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# THE DOMESDAY BOROUGHES

BY

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## PREFACE

THIS essay is based on the section on the Boroughs in Professor Maitland's *Domesday Book and Beyond* (pp. 172 to 219): it was he who first saw the difference between the boroughs of heterogeneous and homogeneous tenure—a difference which had escaped such shrewd observers as Professors Freeman and Stubbs. Building on his foundation, I have endeavoured, by an independent collation of the Domesday evidence, to ascertain the municipal customs of the latter half of the eleventh century, and to find out what was in the mind of the Domesday valuers when they spoke of a borough. But their ideas appear so confused that I cannot claim any great measure of success: I shall be satisfied if I have collected material of which other students can make use. Meanwhile I would suggest that my conclusions throw doubts on several points that have hitherto been regarded as settled: I can find no evidence in Domesday Book that, except in a few isolated cases, the borough was a hundred of itself, nor that, at that time, there was a separate borough court which excluded the jurisdiction of the hundred court. Domesday Book shows the constant interference of the sheriffs in the boroughs, and consequently proves that the latter were then included in the *Corpus Comitatus*. The little I have seen of the records of the twelfth century suggests that the exclusion of the sheriff from the boroughs, and the establishment of a separate exclusive borough court, originates in that period.

My indebtedness to Professor Maitland's and Mr. Round's writings are very inadequately expressed by the direct refer-



ences in the footnotes ; my use of 'fitz' I would justify by the example of the latter. My map of Sussex is based on that prefixed to the Sussex Archaeological Society's edition of the Sussex Domesday ; to the same authority I owe my identification of the Sussex villages, but, owing to the lack of similar editions for other counties, some few villages are mentioned without being identified.

My very best thanks are due to Professor York Powell for his great kindness and help, both while these pages were in manuscript and while they were passing through the press : although I was previously unknown to him, he could not have treated me with greater kindness if I had been an old pupil of his.

I would also express my thanks to the Delegates, Secretary, and Controller of the University Press for their consistent kindness to me.

A. B.

WOODSTOCK :

*March 21, 1904.*



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Arundel and its suggested Contributories . . . .	" " 22
Leicester and its Contributories . . . . .	" " 22
Wallingford and its Contributories . . . . .	" " 28

## ADDENDA

Page 57, note 3. The text of this passage is as follows:—

'In eodem burgo habet Ricardus 13 burgenses quos tenuit Phin T. R. E. Super 4 ex eis habebat sacam et socam et commendationem. Unus eorum est servus: et super 12 commendationem tantum sed manebant in propria terra, et reddebant in burgo totum censum.'

Page 61, line 23, *add*

In only one case do the burgesses of a borough appear in the list of landowners of a county. Under the rubric 'TERRA BURGENSIIUM DE BEDEFORD' are found the names of eight burgesses holding lands in Biddenham and other villages in the immediate neighbourhood of Bedford: of these, two held more than one hide, two held less than a virgate, while the holdings of the others lay between these extremes (*D. B. i. 210 b, 1*).

Page 77, l. 29, *add*

The borough of Ilchester was also situate in the manor of Milbourne, and rendered its share of the three-quarters of one night's farm.

## LIST OF ABBREVIATIONS

*D. B.* = Domesday Book.

*D. B.* and *B.* = *Domesday Book and Beyond.*

*T. R. E.* = Tempore Regis Edwardi.

*K.* = Kemble, *Codex Diplomaticus Aevi Saxonici.*

*B.* = Birch, *Cartularium Saxonicum.*

*E.* = Earle, *Land Charters and Saxon Documents.*

*V. H.* = *Victoria Series of County Histories.*

*E. H. R.* = *English Historical Review.*

*L.* = Liebermann, *Gesetze der Angelsachsen.*

N.B.—The references to *K.* and *B.* are to the numbers of the documents.



# THE DOMESDAY BOROUGHES

## CHAPTER I

### INTRODUCTORY

#### I. THE LIMITATIONS OF DOMESDAY BOOK.

PROFESSOR MAITLAND has taught us that Domesday Book is a geld book<sup>1</sup>; the Conqueror wished to know exactly what would be the produce of the Danegeld, and accordingly he sent his commissioners through the land to ascertain the actual assessments of the various properties in the possession of himself and his tenants, and to find out, amongst other things, whether these assessments could be raised. The result of their labours is probably the greatest valuation-list in existence; and in studying Domesday Book we must bear in mind that it is primarily a valuation-list, and not a census-return, a gazetteer, or a Post Office Directory; and we must not be disappointed if we do not find in it the information which would be contained in documents of the latter class. An enumeration of the population, a description of the streets and houses and a statistical abstract of the trades carried on would be entirely out of place in a valuation-list, and must not be expected in Domesday Book.

But although Domesday Book is primarily a valuation-list, it contains much information that would not be found in a valuation-list to-day: such a list contains only the names of the occupier and owner of the property, its situation and area, its gross estimated rental and rateable value after allowing a deduction for repairs. Domesday Book gives all this, the rateable value being expressed in terms of the hide, the basis upon which the geld levied on the property<sup>2</sup> was to be

<sup>1</sup> *D. B.* and *B.* 3.

<sup>2</sup> I advisedly use the term 'property'; Professor Maitland suggests

calculated ; but it also makes suggestions for a new valuation. The extent of the demesne or home farm, the number of the cultivating tenants, and the area they cultivate, the number of the small holders and cottagers, the mills, meadows and woods, the actual values and renders, and in East Anglia even the cattle, sheep, horses, pigs and hives of bees, are all set out, so that the authorities may be in a position to judge whether the assessment of any property should be varied.

For the sake of those who are unacquainted with valuation-lists, I give a copy of a few entries in the valuation-list of one of the parishes in the borough of Woodstock.

No. of assessment.	Name of occupier.	Name of owner.	Description of property.	Name or situation of property.	Estimated area. A. R. P.	Gross estd. rental.	Rateable value.
1.	A. B.	C. D.	Land	Hensington Within	24 1 24	£97 12	£86 0
2.	E. F.	G. H.	Factory and land	Do.	4 0 0	22 0	17 12
10.	Railway Co.	Themselves	Station	Do.		51 0	40 10
12.	Burial Board	Themselves	Cemetery	Do.	1 3 5	6 0	5 14
16.	J. K.	L. M.	Cottage	Do.		6 0	4 0

Compare the above with the entry in Domesday Book relating to a portion of the vill of which a part of the present urban portion is thus described at the present day :

Land of Roger of Ivry.

William holds of Roger  $2\frac{1}{2}$  hides in Hansitone. There is land for  $2\frac{1}{2}$  ploughs. In demesne are 2 ploughs and 2 slaves and 4 villains have  $\frac{1}{2}$  a plough : meadow 1 furlong in length and  $\frac{1}{2}$  in breadth ; 5 acres of underwood. It was and is worth 40s.<sup>1</sup>

Here the property was assessed at (i.e. its rateable value was)  $2\frac{1}{2}$  hides, and, when the ' Danegeld ' was 6s. a hide, would

that every holding separately assessed for geld was a ' manor,' but his suggestion has not been universally accepted ; and accordingly I prefer to use the neutral term employed in our valuation-lists, and regard every holding separately assessed as a separate ' property.'

<sup>1</sup> D. B. i. 158 b, 2.

pay 15s.; its actual value (corresponding with the gross estimated rental) was 40s. William was the occupier, and Roger of Ivry the owner. The other particulars are given as evidence on which a new assessment might be based.

Every one who has been engaged in preparing a new valuation-list or concerned in assessment appeals knows that every item of information is of importance in arriving at the proper assessment; in the vast majority of cases the actual rent or estimated letting value is taken as the basis of assessment, but in other cases evidence must be collected: the cost of a new building<sup>1</sup>, the gross receipts of a railway<sup>2</sup>, the trade done in a public-house<sup>3</sup>, may all be taken into account.

The same principles which were applied by the Domesday Commissioners to rural properties were also applied to the boroughs; in those most carefully described the actual number of the inhabited and uninhabited houses belonging to the king are first set out, and then those belonging to other persons; the estimated values and the rents actually paid, the mills, markets and mints, the military and other services of the burgesses, all find a place, and are compared with the former rents and services. The peculiar by-laws relating to the borough are often set out at length, principally, as it seems, as a statement of possible income than otherwise, murder, theft and incontinence being regarded in this document rather as sources of profit to the king than as moral offences<sup>4</sup>. Everything that justified the actual assessment or an increase or a diminution thereof was stated: but unfortunately the several surveys were not all carried out with the same degree of accuracy, or the compilers of Domesday Book did not, for some reason, always make full use of the returns before them, so that about some boroughs our information is very scanty. There are many points indeed on which we may desire further information, but what we have is still of considerable value.

<sup>1</sup> R. v. School Board for London, 55 L. J. M. C. 33.

<sup>2</sup> Railway and Canal Traffic Act, 1888, § 48.

<sup>3</sup> Cartwright v. Scolcoates Union, 1899, 1 Q. B. 667.

<sup>4</sup> See post, ch. iv. § 8.



From a valuation-list some information may be gained ; much more may be derived from the evidence on which a new assessment is to be based.

## 2. DISTRIBUTION AND CLASSIFICATION.

A glance at a modern map of England showing the counties will show a marked difference between the counties lying north and south of the Thames. On the north all the shires, with only a few exceptions, bear the name of one of the towns within their borders, and the affix must always be used in speaking of them ; on the south it is necessary to use the affix only in speaking of the county of Southampton. Mr. Freeman has pointed out that the latter counties represent ancient, sometimes 'tribal,' divisions, while the former are artificial divisions<sup>1</sup>. Now if we begin our study of the boroughs in Domesday Book with the counties north of the Thames we find that, with the exception of Derby, all those towns that give their names to the shires in which they are situate are described at the very beginning of the survey of the county, and even before the list of the landowners within that county ; and from this it is argued that they stand in some peculiar relation to that county ; they are not stated to be holden by any one, nor to stand on the king's land nor on that belonging to any particular individual, but they stand completely apart from the rest of the county<sup>2</sup> ; and a few other towns are partners of this isolation of theirs. Passing now to the survey of England south of the Thames, we find that the surveys of certain counties are preceded by the surveys of certain towns, but that in other cases the space that would be thus occupied is left blank. Thus the survey of Kent is preceded by descriptions of Dover<sup>3</sup>, Canterbury and Rochester<sup>4</sup>, that of Berks. by Wallingford<sup>5</sup>, of Wilts. by Malmesbury<sup>6</sup>, of Dorset by Dorchester, Bridport, Wareham and Shaftesbury<sup>7</sup>, and of Devon by Exeter<sup>8</sup> ; but the lists

<sup>1</sup> *English Towns and Places*, pp. 103-33.

<sup>2</sup> *D. B.* and *B.* 176-9.

<sup>3</sup> *D. B.* i. 1 a, 1.

<sup>4</sup> *Id.* 2 a, 1.

<sup>5</sup> *Id.* 56 a, 2.

<sup>6</sup> *Id.* 64 b, 1.

<sup>7</sup> *Id.* 75 a, 1.

<sup>8</sup> *Id.* 100 a, 1.



of landholders in Sussex, Hampshire, Somerset and Cornwall are preceded by a blank space. All the southern boroughs above mentioned appear to have a peculiar connexion with the counties in which they are situate, similar to that of Hertford to Hertfordshire; and we may therefore for convenience sake give the style of *county boroughs* to those boroughs standing by themselves at the head of their counties<sup>1</sup>; and the same term may be applied to Southampton as it gives its name to the shire in which it stands.

If we now look at the surveys of these *county boroughs* we find that they are described at great length, and that the evidence on which a new valuation might be based is, in some cases, very voluminous. Take Warwick as an example<sup>2</sup>; its survey occupies more than half a column of Domesday Book and begins thus:

In the Borough of Warwick the King has in his demesne 113 houses and the King's barons have 112 houses from which the King has his geld. Then follows a long list of twenty-seven persons holding houses within the borough and the number of houses they each hold, and a statement as to the conditions of their tenure. The survey continues:

Besides the aforesaid masures, there are in the same borough 19 burgesses who have 19 masures with sac and soc and all customs and so had them in the time of King Edward.

And, after stating the money render of the borough and county, the survey concludes with a statement as to the military services of the burgesses. Some of the county boroughs are more fully described than Warwick, and of some the description is much slighter; at Hereford<sup>3</sup>, Shrewsbury<sup>4</sup>

<sup>1</sup> Professor Maitland calls them 'county towns' and notices that many of them are styled cities. *D. B. and B.* 178. The term 'civitas' is applied in Domesday Book to Canterbury, Chester, Chichester, Colchester, Exeter, Gloucester, Hereford, Leicester, Lincoln, Rochester, Shrewsbury, Stafford, Wallingford, Winchester, Worcester and York. All of these, except Chichester, Colchester and Winchester, are described at the head of the respective counties in which they are situate. On the pre-conquest coins only Bath, Canterbury, Chester, Winchester are styled cities; Oxford is styled 'urbs.'—*Eng. Hist. Rev.* xi. 765.

<sup>2</sup> *D. B. i.* 238 a, 1.

<sup>3</sup> *Id.* 179 a, 1.

<sup>4</sup> *Id.* 252 a, 1.

and Chester<sup>1</sup> the special customs of the borough are set out at great length; but Warwick may be taken as a fair sample of the county boroughs: as Professor Maitland has pointed out, they are characterized by *tenurial heterogeneity*<sup>2</sup>, that is to say, others besides the king hold houses therein.

At the other end of the scale of development are the boroughs standing on and forming part of an agricultural property, of which Steyning may be taken as a type<sup>3</sup>.

#### IN STEYNING HUNDRED.

The Abbot [of Fecamp] himself holds Steyning: Harold held it at the end of the reign of King Edward, and then it vouched for 81 hides. . . . There are 41 ploughlands in the whole manor: in demesne are 7 ploughs and 178 villains with 63 bordars have 48 ploughs. . . . In the borough were 118 masures; they rendered £4 2s. Now there are 123 and they render 100s. and 100d. and have a plough and a half. They worked at the Court as the villains T. R. E. T. R. E. it was worth £86: afterwards £50. Now £100 and yet it is at farm at £121 18s.

But sometimes, instead of stating in so many words that a borough is situate on the property in question, the record leaves it to be inferred; as at Pershore<sup>4</sup>:

There 28 burgesses render 30s., and the toll renders 12s.

I propose to give to these boroughs the style of *simple boroughs*, and it will at once be seen that they are characterized by *tenurial homogeneity*. Care, however, must be taken with these properties containing burgesses; for instance, Domesday Book records the existence of forty-six burgesses belonging to the property of Westminster Abbey at Staines<sup>5</sup>; but Professor Maitland has referred us to the gift by the Confessor to the Abbey of 'that cotlif Stane and tham lande Staning-hagam withinne Lundune<sup>6</sup>,' and has suggested that the Domesday entry relates to burgesses living in London but appurtenant to the manor of Staines. Similarly it may be suggested that the twenty burgesses at Bollinton<sup>7</sup> (in Bexhill hundred) were resident in Hastings, as in later years certain houses at Hastings were held of the manor of Bexhill.

<sup>1</sup> *D. B.* i. 262 b.

<sup>2</sup> *D. B.* and *B.* 178.

<sup>3</sup> *D. B.* i. 17 a, 2.

<sup>4</sup> *Id.* 174 b, 1.

<sup>5</sup> *Id.* 128 b, 1.

<sup>6</sup> *D. B.* and *B.* 181.

<sup>7</sup> *D. B.* i. 18 a, 2.

We have now to consider the large intermediate class of boroughs which are not described at the head of the counties, and yet are not simple boroughs; with scarcely any exception they are characterized by *tenurial heterogeneity* and would therefore appear to be more akin to the county than to the simple boroughs, and I therefore propose to style them *quasi-county boroughs*, and to group both the county and quasi-county boroughs into one class of *composite boroughs*. A good example of the *quasi-county* boroughs is found at Bath.

The King holds Bath. T. R. E. it gelded for 20 hides when the shire gelded. There the King has 64 burgesses rendering £4 and 90 burgesses of other men render 60s.<sup>1</sup>

Some of the Wilts and Somerset boroughs form part of agricultural properties, and yet contain houses or burgesses belonging to outside owners; and, on the other hand, Lidford and Totnes contain no foreign burgesses and yet are not situate on agricultural properties. Sussex has four boroughs which appear to have been peculiarly connected with the rest of the county; but while the four county boroughs in Dorset stand at the head of the description of the county of Dorset, the four Sussex boroughs stand at the head of the various properties of their several lords. Pevensey<sup>2</sup> is the first of the 104 properties belonging to the Earl of Mortain, Chichester and Arundel<sup>3</sup> head the list of the properties of Earl Roger, and Lewes<sup>4</sup> is first of the properties of William of Warenne. May it not be suggested that these four boroughs were the county boroughs of Sussex in the reign of the Confessor, and that but for their grant by the Conqueror to these various lords they would have stood at the head of the survey of Sussex, as the four boroughs stand at the head of the Dorset survey?

In this class of quasi-county boroughs may be included Guildford<sup>5</sup> and Southwark<sup>6</sup> in Surrey, Sandwich in Kent<sup>7</sup>, Axbridge<sup>8</sup>, Bath<sup>9</sup>, Bruton<sup>10</sup>, Ilchester<sup>11</sup>, Langport<sup>12</sup> and Milbourne<sup>13</sup> in Somerset, and Wilton<sup>14</sup>, Cricklade<sup>15</sup> and

<sup>1</sup> D. B. i. 87 a, 2.    <sup>2</sup> Id. 20 b, 1.    <sup>3</sup> Id. 23 a, 1.    <sup>4</sup> Id. 26 a, 1.

<sup>5</sup> Id. 30 a, 1.    <sup>6</sup> Id. 32 a, 1.    <sup>7</sup> Id. 3 a, 1.    <sup>8</sup> Id. 86 a, 2.

<sup>9</sup> Id. 87 a, 2.    <sup>10</sup> Id. 87 a, 2.    <sup>11</sup> Id. 86 b, 1.    <sup>12</sup> Id. 86 a, 2.

<sup>13</sup> Id. 86 b, 1.    <sup>14</sup> Id. 64 b, 1.    <sup>15</sup> Id. 64 b, 1.



Calne<sup>1</sup> in Wilts. Totnes<sup>2</sup> stands in the same relation to the property of Judhael of Totnes in Devon as Lewes does to the property of William of Warenne in Sussex, and Barnstaple<sup>3</sup> and Lidford<sup>4</sup> are closely associated with Totnes, so that these three may be considered as quasi-county boroughs of Devon, giving that county a quaternion like Kent, Sussex, Wilts. and Dorset. We must always bear in mind that we have no detailed surveys of London, Winchester, Bristol or Tamworth, nor of Hastings, Romney or Hythe (three of the later Cinque Ports); but from scattered details we see that all these towns possessed the same characteristics as those we have styled *composite boroughs*, and may therefore be considered along with them.

The boroughs in the three counties contained in the second volume of Domesday Book, Essex, Norfolk and Suffolk, are distinguished by no peculiarities of position, and must therefore be classified according to their organization; Cornwall and Rutland alone among the counties described in Domesday Book had no boroughs within their boundaries.

It has been suggested that the Domesday boroughs might be classified according to their ownership into royal and mediatized<sup>5</sup>, but on the whole it appears better to make their organization rather than their ownership the criterion of their classification. Thus, the profits of the majority of our county boroughs were received by the king and the earl, but two—Shrewsbury and Chester—were in the hands of the earls alone; of our quasi-county boroughs eight were mediatized, but sixteen can be stated with certainty to have been in the hands of the king, while of the others no definite statement can be made<sup>6</sup>; of our simple boroughs, six were royal, and twenty-two mediatized.

To recapitulate, if the boroughs be divided according to their tenurial organization, they fall into two classes—(A) the composite boroughs, those of heterogeneous tenure, and (B) the simple boroughs, those of homogeneous tenure: the former

<sup>1</sup> *D. B.* i. 64 b, 2.    <sup>2</sup> *Id.* 108 b, 1.    <sup>3</sup> *Id.* 100 a, 2.    <sup>4</sup> *Id.* 100 a, 2.

<sup>5</sup> *D. B.* and *B.* 212–18. Prof. Tait in *Historical Atlas of Modern Europe*.

<sup>6</sup> See ch. iii. § 1.



class can again be divided into two, according to their position in Domesday Book—(1) county boroughs, and (2) quasi-county boroughs; but it would appear that some of the latter—Reading, Twineham and Rhuddlan—fall within that class only because they are subdivided simple boroughs; they would therefore be considered better with these simple boroughs. Appended is a list of all those places which either are expressly styled boroughs or are stated to contain burgesses, classified according to the above scheme, those known to be mediatized being distinguished by the letter [*m*].

KENT: (A) 1. Dover, Canterbury, Rochester; 2. Sandwich [*m*], Romney, Hythe, Fordwich [*m*]; (B) Seasalter [*m*].

SUSSEX: (A) 2. Chichester [*m*], Arundel [*m*], Lewes [*m*], Pevensey [*m*], Hastings; (B) Steyning [*m*], Rye<sup>1</sup> [*m*].

SURREY: (A) 2. Guildford, Southwark.

HAMPSHIRE: (A) 1. Southampton; 2. Winchester, Twineham.

BERKS.: (A) 1. Wallingford; 2. Reading.

WILTS.: (A) 1. Malmesbury; 2. Wilton, Cricklade, Calne; (B) Devizes (Theodulveside), Bedwyn, Warminster, Bradford [*m*].

DORSET: (A) 1. Dorchester, Bridport, Shaftesbury, Wareham; 2. Wimbourn.

SOMERSET: (A) 2. Axbridge, Bath, Bruton, Ilchester, Milbourne, Langport; (B) Taunton [*m*].

DEVON: (A) 1. Exeter; 2. Totnes [*m*], Lidford, Barnstaple; (B) Okchampton [*m*].

MIDDLESEX: ((A) 2. London<sup>2</sup>).

HERTFORD: (A) 1. Hertford; (B) Ashwell [*m*], St. Albans [*m*], Berkhamstead [*m*], Stanstead [*m*].

BUCKS.: (A) 1. Buckingham.

<sup>1</sup> Mr. Round (*Feudal England*) has shown that the 'new borough' of *D. B.* i. 17 a, 2, must be either Winchelsea or Rye. But Winchelsea was the seat of a pre-conquest mint (p. 120), and by Athelstan's law, all mints were to be in boroughs. So that if Winchelsea were a borough at the time of Domesday Book, its borough rights must have dated back to the days of Edgar, and therefore it cannot have been a 'new borough.'

<sup>2</sup> See p. 8. There is a blank space of considerable length at the head of the survey of Middlesex.

OXON.: (A) 1. Oxford.

GLOUCESTERSHIRE: (A) 1. Gloucester, Winchcombe; 2. Bristol; (B) <sup>\*</sup>Tewkesbury.

WORCESTERSHIRE: (A) 1. Worcester; 2. Droitwich; (B) Pershore [m].

HEREFORDSHIRE: (A) 1. Hereford; (B) Castle Clifford [m], Wigmore [m].

CAMBRIDGESHIRE: (A) 1. Cambridge.

HUNTINGDONSHIRE: (A) 1. Huntingdon.

BEDS.: (A) 1. Bedford.

NORTHANTS: (A) 1. Northampton.

LEICESTERSHIRE: (A) 1. Leicester.

WARWICKSHIRE: (A) 1. Warwick; 2. Tamworth.

STAFFS.: (A) 1. Stafford; (B) Totbury [m].

SHROPSHIRE: (A) 1. Shrewsbury [m]; (B) Quatford [m].

CHESHIRE: (A) 1. Chester [m]; 2. Rhuddlan [m]; (B) Penwortham (Peneverdant) [m].

DERBYSHIRE: (A) 1. Derby.

NOTTS.: (A) 1. Nottingham; (B) Newark [m].

YORKSHIRE: (A) 1. York; (B) Bridlington, Pocklington, [m], Pontefract (Tateshale) [m].

LINCOLNSHIRE: (A) 1. Lincoln, Stamford, Torksey; 2. Grantham; (B) Louth [m].

ESSEX: (A) 1. Colchester; 2. Maldon.

NORFOLK: (A) 1. Norwich; 2. Thetford.

SUFFOLK: (A) 1. Ipswich; 2. Sudbury, Dunwich [m], Yarmouth; (B) Clare [m], Eye, Beccles [m].

It will be noticed that from this list are omitted the names of several places marked as boroughs in Professor Tait's map in the recently published *Historical Atlas of Modern Europe*; he reckons Windsor, Marlborough and Salisbury as boroughs: I venture to disagree on the ground that these places are not stated by the Domesday valuers to be boroughs; neither Windsor nor Marlborough is stated to contain burgesses, and the burgesses appurtenant to Salisbury are definitely stated to be resident at Wilton<sup>1</sup>. Staines is omitted from my list for the reasons stated above.

<sup>1</sup> D. B. i. 66 a, 1.

## CHAPTER II

### THE TENURIAL ORGANIZATION OF THE COMPOSITE BOROUGHES

#### 1. THE CONTRIBUTORY PROPERTIES.

IF any one thinks that he is going to learn all about the boroughs in Domesday Book by merely studying their separate descriptions he is vastly mistaken; every page of the record must be examined, or many incidental references will be overlooked. For these incidental references are hidden away in descriptions of agricultural properties, and show the existence in the neighbouring borough of a house, or houses, belonging to that property. Here, as an example, is a survey of an agricultural property in Sussex:

Earl Roger holds Singleton in demesne. Earl Godwin held it. It then vouched for 97½ hides; now for 47 hides. There is land for 40 ploughs; in demesne are 7 ploughs and 86 villains and 52 bordars have 33 ploughs. There are 17 slaves, and two mills of 12s. 7d., and 40 acres of meadow and wood for 150 pigs. There is a church in which lie 3 hides and 1 virgate of this land. . . . To this manor pertain 9 haws<sup>1</sup> in Chichester rendering 7s. 4d., and one mill of 40d., and 15s. from herbage. . . . It is valued at £93 and a mark of gold and yet renders £100 and a mark of gold which belongs to the Earl<sup>2</sup>.

There are between seventy and eighty entries of this kind in the survey of Sussex alone, showing that in that county, at all events, it frequently happened that agricultural properties had one or more town houses appertaining to them, and forming as integral a part of the estate as the meadow,

<sup>1</sup> The word 'haga' means primarily a hedge, and as 'haia' appears frequently in the Herefordshire survey as a hedge for hunting purposes; e.g. '3 haiae capreolis capiendis' (260 a, 2); and so it comes to mean a piece of land surrounded by a hedge, and (in towns) a house standing in a close.

<sup>2</sup> D. B. i. 23 a, 1.



the mill, or the wood. Sometimes, however, the entry is baldly 'in Chichester 6 haws of 38 pence<sup>1</sup>.' And similar entries are to be found in all the counties south of the Thames and in some of the northern counties. Sometimes the actual situation of the haws is omitted; in two or three cases other portions of the same vill have haws which are specifically attributed to a certain borough, and in other cases other vills in the same hundred have haws which are specifically attributed to a certain borough. With this Singleton entry must be compared the Old English conveyances of rural properties with their appurtenant haws in the neighbouring county boroughs, to be found in the 'Codex Diplomaticus<sup>2</sup>'; and also the Domesday entry relative to the manor of Birley, which, although situate in Worcestershire, was included in the survey of Herefordshire:

Brictric held it and bought it of Lewin Bishop of Worcester for three marks of gold, together with a house in the city of Worcester which renders one mark of silver per annum<sup>3</sup>.

Let us now collect from Domesday Book all the entries of houses which, although actually situate in Canterbury, were appurtenant to and valued in the neighbouring rural properties:

Faversham. In the city of Canterbury 3 haws of 20*d.* pertain to this manor<sup>4</sup>.

Estursete [Westgate]. To this manor pertained T. R. E. 52 masures in the city of Canterbury, and now there are only 25 because the others have been destroyed<sup>5</sup>.

St. Martin. To this land pertain 7 burgesses in Canterbury rendering 8*s.* 4*d.*<sup>6</sup>

Nordeude [Little Burton]. To this manor pertain 97 burgesses in the city of Canterbury rendering £8 4*s.*<sup>7</sup>

Otringdene [Otterden]. To this manor pertain 2 masures of land in Canterbury of 12*d.*<sup>8</sup>

Westselve [West Shelve near Lenham]. To this manor pertained in Canterbury T. R. E. one house rendering 25*d.*<sup>9</sup>

Winchelesmere [Wichling]. T. R. E. in Canterbury 3 houses pertained to this manor rendering 40*d.*<sup>10</sup>

<sup>1</sup> *D. B.* i. 17 *a*, 1.

<sup>2</sup> See Appendix, § 1.

<sup>3</sup> *D. B.* i. 180 *b*, 2.

<sup>4</sup> *Id.* 2 *b*, 2.

<sup>5</sup> *Id.* 3 *b*, 1.

<sup>6</sup> *Id.* 4 *a*, 1.

<sup>7</sup> *Id.* 5 *a*, 1.

<sup>8</sup> *Id.* 8 *a*, 1.

<sup>9</sup> *Id.* 8 *a*, 1.

<sup>10</sup> *Id.* 8 *a*, 2.

Wicheham [West Wickham]. To this manor pertain in Canterbury 3 masures rendering 6s. 8d.<sup>1</sup>

Cilleham [Chilham]. In the city of Canterbury 13 masures pertain to this manor rendering 15s.<sup>2</sup>

Ospringes. To this manor pertains one masure in Canterbury of 30d.<sup>3</sup>

Ernoltun [Elverton]. And in the city of Canterbury one masure of 21d.<sup>4</sup>

Perie [Perry Court]. And one masure in the city of 16d.<sup>5</sup>

Trevelai [Throwley]. And in the city three haws of 32d.<sup>6</sup>

Dodeham [Doddington]. And in the city of Canterbury 5 haws of 7s. 10d.<sup>7</sup>

Lamport [Langport]. There were 70 burgesses in Canterbury pertaining to this manor.<sup>8</sup>

Newton [Newington near Sittingbourne]. To this manor pertain in the city of Canterbury 4 haws, and two in Rochester.<sup>9</sup>

The terms 'masura,' 'haga' and 'domus' appear to be practically synonymous; and there would seem to be no real difference between the entries at Nordeude and Otringdene; though the former regards the rent as proceeding from the tenants, and the latter regards it as proceeding from the houses they inhabit. This is shown by reference to the Oxford and Exeter surveys: the survey of the city of Oxford speaks of a house appurtenant to Risborough in Bucks<sup>10</sup>, but the Risborough survey speaks of a certain burgess of Oxford<sup>11</sup>; again the survey of the Devonshire property belonging to Baldwin the sheriff speaks of '12 houses in the city pertaining to Chenth his manor<sup>12</sup>,' but the Chenth survey mentions '11 burgesses in Exeter<sup>13</sup>.' 'In the second ward (of Cambridge) there were 48 masures . . . of these Earl Alan has 5 burgesses<sup>14</sup>.' Domesday Book says that there were in Chichester 3 burgesses appurtenant to Halnaker<sup>15</sup>; at the beginning of the last century there were in the parish of St. Pancras in that city certain houses which were held under that manor<sup>16</sup>. In speaking of Colchester<sup>17</sup>, Mr. Round explains the difference between 'holding houses' and 'holding burgesses' by saying that the latter implies jurisdiction over their persons.

<sup>1</sup> *D. B.* i. 9 a, 2.

<sup>2</sup> *Id.* 10 a, 1.

<sup>3</sup> *Id.* 10 a, 1.

<sup>4</sup> *Id.* 10 a, 2.

<sup>5</sup> *Id.* 10 a, 2.

<sup>6</sup> *Id.* 10 a, 2.

<sup>7</sup> *Id.* 10 b, 1.

<sup>8</sup> *Id.* 12 a, 1.

<sup>9</sup> *Id.* 14 b, 1.

<sup>10</sup> *Id.* 154 a, 1.

<sup>11</sup> *Id.* 143 b, 1.

<sup>12</sup> *Id.* 105 b, 2.

<sup>13</sup> *Id.* 106 b, 2.

<sup>14</sup> *Id.* 189 a, 1.

<sup>15</sup> *Id.* 25 b, 1.

<sup>16</sup> Hay's *Chichester*, p. 220.

<sup>17</sup> *Antiquary*, vi. 99.

From reasons which will appear later we shall see that jurisdiction was equally implied by either expression, and that this distinction cannot be maintained <sup>1</sup>.

Nowadays, when any unit of local government joins with others for a specific purpose to be carried out in combination, we call each of these units a contributory place to that combination; for example, every parish in a poor law union is a contributory place to that union. I propose therefore to give the name of *contributory properties* to Faversham and other properties having houses or burgesses in Canterbury, and to style their houses or burgesses the *contributed houses* or *burgesses*, and to reckon all the contributions together, whether they be haws, masures, houses or burgesses.

That Canterbury may fairly be taken as a type of a certain class of boroughs will be at once seen from a glance at the Domesday survey of certain boroughs selected from all parts of the country.

Thus:

#### CHICHESTER.

Bosham <sup>2</sup>	11 haws.	Linch	1 haw.
Pagham	1 church.	Selham	1 "
Tangmere	4 haws.	Bepton	1 "
Aldingbourne	16 haws.	Petworth	2 "
Selsey	6 "	Tillington	1 "
Wittering	13 "	Duncton	1 "
Bosham	1 "	Stopham	1 "
Donnington	1 "	Westbourne	6 "
Felpham	6 burgesses.	Warbleton	1 "
Lavant	1 haw	Up Marden	1 "
Singleton	9 "	Racton	1 "
Lavington	1 "	West Marden	1 "
Harting	11 "	North Marden	3 "
Chithurst	1 "	Compton	2 "
Stedham	1 "	Stoughton <sup>3</sup>	15 "
Cocking	1 "	Fishbourne	2 "

<sup>1</sup> See post, ch. iii. § 4.

<sup>2</sup> Even at the end of the eighteenth century the lord of the manor of Stoughton collected quit-rents from some houses in the North Street of Chichester, and other houses in the West Street were holden of the manor of Bosham. (Hay's *Chichester*, p. 220.)





*SUSSEX showing Contributors to CHICHESTER and LEWES.*



Hunston	1 haw.	Strettington	1 haw.
Wittering	1 "	Merston	2 "
Halnaker	3 burgesses.	Runcion	2 "
Westhampnett	1 haw	Waltham	1 "
Strettington	3 "	"	1 "
"	1 "	Iping	1 "

## WINCHESTER.

Wallop	2 haws.	Corhampton	1 house.
Clatford	7 "	Worthy	8 haws.
Basingstoke	4 suburbani.	"	1 masure.
Facombe	6 houses.	Stratfieldsaye	1 haw.
West Meon	8 haws.	Norton	5 "
Eversley	1 "	Dummer	3 "
Romsey	14 burgesses.	Minstead	1 "
Bramley	3 "		

## WAREHAM.

Charminster	2 burgesses.	Lychet Maltra-	2 gardens and
Creech	1 house.	vers	1 bordar.
Poyington	1 burgess.	Horton	1 church
		"	5 houses

## CRICKLADE.

Aldbourn	6 burgesses.	Liddington	1 burgess.
Ramsbury	5 "	Liddiard	7 "
Badbury	1 "	Cliffe Pypard	3 "
Purton	1 "	"	1 house.
Chisledon	6 "	Colicote	3 burgesses.

## EXETER.

Tavistock	5 houses.	Chent	12 houses.
Tawton	9 "		

## GLOUCESTER.

Tewkesbury	8 burgesses	Quennington	1 burgess.
	(T.R.E.).	"	1 smith.
Condicote	4 "	Rissington	1 burgess.
Pucklechurch	8 "	Horsley	1 house.
Broadwell	4 "	Bisley	11 burgesses.
The property		Brimsfild	5 "
of St. Denys		Frampton	6 "
in Deerhurst		Bulley	1 "
Hundred	30 "	Lechlade	1 "
Horsenehai	3 "	Kempsford	7 "
Guiting	2 "	Widecestre	1 "



## CHESTER

Weaverham	10 burgesses.	Claverton	8 burgesses.
Hawarden	2 wastemasures.	Dodecestre	15 "

## COLCHESTER.

Clacton	14 houses.	Terling	7 houses.
Feering	2 "	Shalford	3 "
Wigborough	2 "	Elmstead	1 "
Mersea	1 " (T.R.E.).		(T.R.E.).
		Tolleshunt	1 "
Great Tey	1 "	Ardleigh	2 "
Great Birch	2 "	Rivenhall	1 burgess

It will have been noticed that some of the above-quoted references to Canterbury speak of the state of things existing T. R. E., and imply that at the time of Domesday Book those manors no longer had appurtenant houses in Canterbury. A probable explanation is given in certain entries relating to Rochester :

Aiglessa [Eccles]. And in Rochester, the Bishop of Bayeux had 3 houses of 31*d.*, which he took from this manor into his own hands <sup>1</sup>.

Ledestune [Luddesdown]. The Bishop (of Bayeux) holds in his own hands within the city of Rochester 4 houses pertaining to this manor, from which he has 9*s.* 10*d.* <sup>2</sup>

Hou [Hoo]. To this manor pertained 9 houses in the city of Rochester rendering 6*s.* Now they are taken away <sup>3</sup>.

Evidently the bishop, in granting these manors to his mesne tenants, reserved the city houses which had been appurtenant to them, in the same manner as a man may sell land to-day, reserving the mines thereunder. Similarly Waleran took away from Mersea the house in Colchester which formerly belonged to it <sup>4</sup>. On the other hand, we have two examples of the 'conversion' of two independent town houses into appurtenances to a rural manor. In the survey of Guildford we read :

A second house is that which the praepositus of the Bishop of Bayeux holds of the manor of Bromley. Of this, the men of the county say that he has no other right here except that the praepositus of the town married a certain widow whose house it was and the Bishop sent it into his manor ; and hitherto the King has lost his customs but the Bishop has them <sup>5</sup>.

<sup>1</sup> *D. B.* i. 7 *a.* 2. <sup>2</sup> *Id.* 7 *b.* 1. <sup>3</sup> *Id.* 8 *b.* 1. <sup>4</sup> *D. B.* ii. 22 *a.* <sup>5</sup> *D. B.* i. 30 *a.* 1.

Of another house the jurors say that it lies in Bromley only because it belonged to a friend of the *praepositus*, and at his death it was converted into the manor of Bromley.

Evidently a town house was regarded as a necessary appurtenance to a rural manor; and, as the manor of Bromley had no such town house, the *praepositus* robbed a poor widow and the estate of his dead friend to supply the needed appurtenances. There is a similar case at Reading, where Rainbald 'drew' (*trahebat*) into his manor of Earley a haw situate in the borough of Reading<sup>1</sup>.

If we add up the contributed houses (*masures*, *haws* and *burgesses*) at Canterbury, we find that at the time of Domesday Book there were in the city 161 houses contributed by eleven properties; T. R. E. there had been 259 houses contributed by thirteen properties. Similarly we find that there were at

Rochester	6	properties contributing	19	houses or burgesses.
Romney	3	"	156	"
Hythe	2	"	232	"
Chichester	44	"	142	" and a church.
Lewes	35	"	258	"
Southwark	11	"	47	"
Winchester	13	"	65	"
Dorchester	2	"	2	"
Exeter	3	"	26	"
Gloucester	17	"	95	"
Worcester	12	"	108	"
Chester	4	"	35	"
Colchester	12	"	32	"

This list is by no means exhaustive, and reference should be made to the tables at the end of this chapter.

The above examples deal only with those contributory properties which were situate in the same county as the town to which they contributed; but we find that often the contributory properties were situate in other counties: thus Oxford contained houses or burgesses contributed by Steven-ton<sup>2</sup> and Streatley<sup>3</sup> in Berks, and by Risborough<sup>4</sup> and Twyford<sup>5</sup> in Bucks; Tamworth had contributions from Coles-

<sup>1</sup> D. B. i. 58 a, 1.    <sup>2</sup> Id. 57 b, 2.    <sup>3</sup> Id. 62 a, 1.    <sup>4</sup> Id. 154 a, 1.

<sup>5</sup> Id. 154 a, 1.

hill<sup>1</sup> in Warwick, and Wigton<sup>2</sup> and Drayton<sup>3</sup> in Staffordshire. There were several Herefordshire properties which contributed to Worcester; and London had contributions from Bermondsey<sup>4</sup> (13), Mortlake<sup>5</sup> (17), Binstead<sup>6</sup> (1), Walkhampstead<sup>7</sup>, Chivington<sup>8</sup> (2), Blachingley<sup>9</sup> and Beddington<sup>10</sup> in Surrey, Staines in Middlesex<sup>11</sup>, and Waltham<sup>12</sup> (12), Barking<sup>13</sup> (28) and Thurrock<sup>14</sup> (7) in Essex; and Wallingford had contributions from seventeen properties in Oxfordshire and ten in Berkshire. The Canterbury examples have shown that a single manor might contribute to two boroughs, and this is also shown by six manors in Surrey which contributed to both London and Southwark. For example,

Walkhampstead<sup>7</sup>. To this manor pertain 15 masures in London and Southwark of 6s.

Blachingley<sup>9</sup>. In Southwark and London 7 masures of 5s. 4d.

Similarly Broadwell, Deerhurst hundred, Guiting and Lechlade contributed to both Gloucester and Winchcombe.

Another point must be noticed: the number of houses or burgesses contributed to a borough by any property seems to bear no relation to its area or assessment: thus the bishop's property at Wittering<sup>15</sup> and Earl Roger's property at Stedham<sup>16</sup> were each assessed at fourteen hides, but the former contributed thirteen houses to Chichester and the latter only one; Chithurst<sup>17</sup>, Selham<sup>18</sup>, Bepton<sup>19</sup>, Hunston<sup>20</sup>, and Marden<sup>21</sup> were each assessed at four hides, but Marden had three houses in Chichester, and the other properties only one each. There were three properties at Marden<sup>22</sup>, one of five hides with one house in Chichester, the second of three hides with one house, and the third of four hides with three houses. Stoughton<sup>23</sup> had fifteen houses at Chichester for fifteen hides,

<sup>1</sup> *D. B.* i. 238 a, 2.

<sup>2</sup> *Id.* 246 a, 2.

<sup>3</sup> *Id.* 246 b, 2.

<sup>4</sup> *Id.* 30 a, 2.

<sup>5</sup> *Id.* 30 b, 2.

<sup>6</sup> *Id.* 31 b, 1.

<sup>7</sup> *Id.* 34 a, 2.

<sup>8</sup> *Id.* 34 b, 1.

<sup>9</sup> *Id.* 34 b, 1.

<sup>10</sup> *Id.* 36 b, 1.

<sup>11</sup> *Id.* 128 b, 1. *D. B.* and *B.* 181.

<sup>12</sup> *D. B.* ii. 15 b.

<sup>13</sup> *Id.* ii. 17 b.

<sup>14</sup> *Id.* ii. 63 a.

<sup>15</sup> *D. B.* i. 17 a, 1.

<sup>16</sup> *Id.* 23 a, 2.

<sup>17</sup> *Id.* 23 a, 2.

<sup>18</sup> *Id.* 23 b, 1.

<sup>19</sup> *Id.* 23 b, 1.

<sup>20</sup> *Id.* 24 a, 2.

<sup>21</sup> *Id.* 24 a, 1.

<sup>22</sup> *Id.* 24 a, 1.

<sup>23</sup> *Id.* 24 a, 1.



and Earl Roger's property at Wittering<sup>1</sup> had one house for one hide. To Lewes, Winterbourne<sup>2</sup> contributed three and one-third houses for one hide, and West Meston<sup>3</sup> only one house for twelve hides. The forty-four properties contributing 142 houses to Chichester were assessed at 560 hides, and the thirty-five properties contributing 258 houses to Lewes were assessed at 630½ hides, giving an approximate average of one house to four hides for Chichester, and one house to two and a half hides for Lewes. At Dorchester the average was one house to eight and a half hides, and at Exeter twenty-one houses were contributed by properties assessed at twenty-nine hides. Apparently to both Chichester and Lewes thirteen hundreds were contributory, but the Domesday hundreds of Sussex are so wonderful and mysterious that little or no value can be attached to this calculation<sup>4</sup>. To Cricklade, Aldbourn<sup>5</sup> and Chisledon<sup>6</sup> each contributed six burgesses for forty hides; but Ramsbury<sup>7</sup> with ninety hides contributed five burgesses only; and while Liddington<sup>8</sup> with thirty-eight hides contributed only one burgess, Liddiard<sup>9</sup> with seven hides contributed seven burgesses. As thirty-four burgesses were contributed to Cricklade by ten properties assessed at 273½ hides, the average works out at one burgess for every eight and one-third hides.

Before passing away from the boroughs of this class, let us arrange their contributed houses or burgesses, not under the properties to which they belonged, but under the owners of

<sup>1</sup> *D. B.* i. 24 a, 2.

<sup>2</sup> *Id.* 26 b, 2.

<sup>3</sup> *Id.* 27 a, 2.

<sup>4</sup> I have found it impossible by any calculation to obtain 100 hides in any one of the fifty-eight Domesday hundreds of Sussex: Ifield hundred had two vills, one vouching for one hide, and the other for half a hide, not gelding; Latille hundred had two hides; thirteen hundreds had less than ten hides each, eight had more than 100 each, and the hundred of Steyning had 258 hides and three virgates. Then, the hundred of Somerley included not only the bishop's property at Selsey and Wittering, but also his estates at Preston (near Brighton) and Filsham (near Bexhill). The vills of Alciston, Willington and Laughton were each divided into three portions; and each portion lay in a different hundred.

<sup>5</sup> *D. B.* i. 65 a, 1.

<sup>6</sup> *Id.* 67 b, 1.

<sup>7</sup> *Id.* 66 a, 1.

<sup>8</sup> *Id.* 67 b, 2.

<sup>9</sup> *Id.* 70 a, 2.

these properties, i.e. under the names of the tenants in capite : thus—

- Romney. The Archbishop has 85 burgesses<sup>1</sup>.  
Robert of Romney has of the fee of the Archbishop, 21 burgesses<sup>2</sup>, and of the fee of the Bishop of Bayeux, 50 burgesses<sup>3</sup>.
- Chichester. The Archbishop has 4 haws and a Church<sup>4</sup>.  
The Bishop of Chichester has 35 haws<sup>5</sup>.  
The Church of St. Edward of Shaftesbury has 6 burgesses<sup>6</sup>.  
Earl Roger and his mesne tenants have 79 haws<sup>7</sup>.
- Gloucester. The Church of St. Mary at Worcester has 4 burgesses<sup>8</sup>.  
The Abbot of Evesham has 4 burgesses<sup>9</sup>.  
The Church of St. Denys at Paris has 30 burgesses<sup>10</sup>.  
The Abbot of Troarz has 1 house<sup>11</sup>.  
Earl Hugh has 11 burgesses<sup>12</sup>.  
Roger of Laici has 6 burgesses<sup>13</sup>.  
Robert of Toden has 1 burgess<sup>14</sup>.  
Osbern Gifard has 5 burgesses<sup>15</sup>.  
Drogo fitz Pons has 1 burgess<sup>16</sup>.  
Walter the Artilleryman has 1 burgess<sup>17</sup>.  
Henry of Ferrers has 1 burgess<sup>18</sup>.  
Arnulf of Hesdin has 7 burgesses<sup>19</sup>.  
Brictric has 1 burgess<sup>20</sup>.

And we shall find that this is the formula adopted in the class of boroughs considered in the next section.

## 2. THE CONTRIBUTORY LORDS.

In the last chapter the survey of Warwick was quoted as that of a typical county borough; but as Hertford is the first borough in Domesday Book which gives its name to the county in which it stands, let us take its survey as an example of what we may expect to find in the surveys of the boroughs of the second class. The following is slightly abbreviated from Domesday Book<sup>21</sup>:

- <sup>1</sup> *D. B.* i. 4 a, 1.      <sup>2</sup> *Id.* 4 b, 1.      <sup>3</sup> *Id.* 10 b, 2.      <sup>4</sup> *Id.* 16 b, 1.  
<sup>5</sup> *Id.* 16 b, 2; 17 a, 1.      <sup>6</sup> *Id.* 17 b (foot).  
<sup>7</sup> *Id.* 23 a, 1-24 a, 2; 25 b, 1 and 2.      <sup>8</sup> *Id.* 165 a, 1.      <sup>9</sup> *Id.* 166 a, 1.  
<sup>10</sup> *Id.* 166 a, 2.      <sup>11</sup> *Id.* 166 b, 1.      <sup>12</sup> *Id.* 166 b, 1.      <sup>13</sup> *Id.* 167 b, 2 (3).  
<sup>14</sup> *Id.* 168 a, 2.      <sup>15</sup> *Id.* 168 b, 1.      <sup>16</sup> *Id.* 168 b, 2.      <sup>17</sup> *Id.* 169 a, 1.  
<sup>18</sup> *Id.* 169 a, 1.      <sup>19</sup> *Id.* 169 a, 1.      <sup>20</sup> *Id.* 170 b, 1.      <sup>21</sup> *Id.* 132 a, 1.

The borough of Hertford was assessed at 10 hides T.R.E., but is not so assessed now.

There were 146 burgesses in the soc of King Edward.

Of these Earl Alan has 3 houses which then and now render custom.

Eudo the Steward (Dapifer) has 2, formerly of Algar of Cokenhatch, both rendering custom; and a third formerly of Ulmar.

Geoffrey of Bec has 3 rendering custom.

Humphrey of Ansleville holds two houses and a garden under Eudo. One of these was lent to a certain prefect of the King and the other with the garden belonged to a certain burgess; now these same burgesses claim that they are unjustly taken from them.

King William has 18 other burgesses who were men of Earls Harold and Lewin, and pay custom.

Peter of Valonges has 2 churches and 1 house (which he bought of Ulwi of Hatfield) rendering all custom. Ulwi could assign or sell them.

Geoffrey of Mandeville has 1 which belonged to Esgar the Staller, and 7 others which paid no custom except King's geld when it was collected.

Ralph Bainard has two houses paying custom.

Hardwin of Scalers has 14 houses which Achi held T.R.E. and rendered no custom except King's geld. For these he invokes the King as protector. In addition to these he has one house of the King's gift formerly of a certain burgess which renders all custom.

This suburb (hoc suburbium) renders £20 assayed and weighed; & 3 mills render £10 by tale.

When Peter the sheriff received it, it rendered £15 by tale; T.R.E. it rendered £7 10s. by tale.

Now of these eight persons, other than the king, who are returned as owners of houses in the borough of Hertford, no less than seven—Earl Alan, Eudo the Steward, Geoffrey of Bec, Peter of Valonges, Geoffrey of Mandeville, Ralph Bainard and Hardwin of Scalers—can be identified as tenants in capite of lands in the county of Hertford; and the eighth—Humphrey of Ansleville—was tenant of Knebworth under Eudo<sup>1</sup>. At Stafford all eight owners of houses in the city were also tenants in capite in the county<sup>2</sup>.

Similarly, at

Buckingham out of 10 owners in the borough 8 were tenants in capite in the county.

Oxford	"	65	"	"	23	"	i
Gloucester	"	16	"	"	4	"	"

<sup>1</sup> *D. B.* i. 139 a, 1.

<sup>2</sup> *Id.* 246 a, 1.



Warwick out of 46 owners in the borough 25 were tenants in capite in the county.

Northampton	„	34	„	„	24	„	„
Malmesbury	„	16	„	„	13	„	„
Wallingford	„	45	„	„	17	„	in Oxfordshire,
					15	„	in Berkshire <sup>1</sup> .

At Worcester the Bishop of Worcester owned ninety houses appurtenant to his manor of Northwich: of these forty-five were in demesne, Urso held twenty-four, Osbern fitz Richard held eight, Walter Ponther eleven, and Robert the Steward held one<sup>2</sup>; but all these four were tenants of rural properties under the bishop.

And what is true of the county boroughs is also true of the quasi-county boroughs: all seven owners of houses or burgesses in the borough of Arundel<sup>3</sup> can be identified as mesne tenants of Earl Roger, on whose land the borough was stated to be situate. Robert fitz Tetbald had two haws in Arundel, but he also owned Toddington in Lyminster<sup>4</sup>; in the hundred of Binstead, adjoining the borough, Morin (two burgesses) held Barnham<sup>5</sup>, Ernald (one burgess) was tenant of Stoke<sup>6</sup>, the Abbey of St. Martin of Seez (one burgess) of Eastergate<sup>7</sup>, and William (five haws) of Walberton, Barnham and Middleton<sup>8</sup>. Nigel (five haws) held Warningcamp<sup>9</sup>, and Ralph (five haws) held Bignor<sup>10</sup>; and all held other properties than those named<sup>11</sup>. In Pevensey there were T. R. E. twenty-four burgesses in

<sup>1</sup> The owners of town houses who can be identified as mesne tenants of land in the county are as follows: Oxford, 3; Warwick, 1; Northampton, 5.

<sup>2</sup> *D. B.* i. 173 *b*, 1.

<sup>3</sup> *Id.* 23 *a*, 1.

<sup>4</sup> *Id.* 24 *b*, 2. See also *Calendar of Documents*, France, 918-1216, p. 233.

<sup>5</sup> *D. B.* i. 25 *a*, 2.

<sup>6</sup> *Ib.*

<sup>7</sup> *Id.* 25 *b*, 1.

<sup>8</sup> *Id.* 25 *a*, 1 and 2.

<sup>9</sup> *Id.* 24 *b*, 2.

<sup>10</sup> *Id.* 25 *a*, 1.

<sup>11</sup> To substantiate the argument that the haws and burgesses in Arundel were appurtenant to the rural properties in the neighbourhood, reference may be made to the documents relating to the Abbey of St. Martin of Seez. Among these is contained a memorandum, signed by the Conqueror and his son William, stating that Earl Roger had given to the abbey two *villulas* at Fishbourne and Gath (Eastergate), and certain tithes, but not mentioning houses in Chichester or Arundel. Domesday Book tells us that there were in Chichester two haws appurtenant to Fishbourne, but they are naturally not mentioned in the memorandum as they are included among



ARUNDEL and its *suggested* Contributories.



LEICESTER and its Contributories.





demesne, and the Bishop of Chichester had five burgesses, Edmer the priest had five burgesses, Doda the priest had three burgesses, and Ormer the priest had five burgesses<sup>1</sup>. But the bishop then held Bishopstone<sup>2</sup>, Edmer the priest, Hurstmonceaux<sup>3</sup>, and Doda the priest, Exceat<sup>4</sup>; Ormer was apparently not an owner in Sussex. In like manner, of the sixteen persons possessing burgesses in Pevensey in 1086, the names of all but three can be found among the mesne tenants of the Earl of Mortain in the neighbourhood of Pevensey. Gilbert the sheriff had one burgess in Pevensey, but a Gilbert held lands at Firle<sup>5</sup> and elsewhere in the rape of Pevensey; William of Cahainges had two burgesses, but he also had lands at Beverington, Tilton and Sherrington<sup>6</sup>; William had four burgesses, but a William is recorded as a landowner at Litlington<sup>7</sup>, Firle<sup>8</sup>, and many other places; Ansfrid (four burgesses) held lands in Ratton<sup>9</sup>; Girold had two burgesses, but Gerold had one hide at Sessingham<sup>10</sup>; Ansgot (three burgesses) held two hides in Willingdon<sup>11</sup>; Alan (six burgesses) held four hides at Firle<sup>12</sup>; Azelin (three burgesses) held one hide in Ratton<sup>13</sup>; Walter (two burgesses) succeeded Doda at Exceat; Roger (two burgesses) held lands at Charleston<sup>14</sup>, and Hugh (one burgess) had three hides at Ratton<sup>15</sup>. There were two Ralphs possessing burgesses in Pevensey, one with two and the other with three; but there were no less than sixteen properties held by a Ralph in the rape of Pevensey, at Preston, East Dean<sup>16</sup>, Ratton and elsewhere, so that these two Ralphs may with confidence be assumed to have been landowners. So much for the identifications which may be regarded as certain. But there are others whose identification may be suggested:

the appurtenances of the manor of Fishbourne; and if—as is suggested—the burgess at Arundel belonging to the abbey was appurtenant to the manor of Eastergate, all mention of his house would be as naturally omitted from the memorandum. See *Calendar of Documents, France*, 918–1216, p. 234.

<sup>1</sup> *D. B.* i. 20 b, 1.<sup>2</sup> *Id.* 16 b, 2.<sup>3</sup> *Id.* 18 a, 1.<sup>4</sup> *Id.* 21 a, 1.<sup>5</sup> *Id.* 21 a, 1.<sup>6</sup> *Id.* 20 b, 2.<sup>7</sup> *Id.*<sup>8</sup> *Id.* 21 a, 1.<sup>9</sup> *Id.* 21 a, 2.<sup>10</sup> *Id.* 21 b, 2.<sup>11</sup> *Id.* 21 a, 1.<sup>12</sup> *Id.* 21 b, 1.<sup>13</sup> *Id.* 21 a, 2.<sup>14</sup> *Id.* 20 b, 2.<sup>15</sup> *Id.* 21 a, 2.<sup>16</sup> *Id.* 21 a, 2.

if Boselin and Gozelin are *variae lectiones* of the same name, the former, who had five burgesses in Pevensey, may be identified with the latter, who held lands at Willingdon<sup>1</sup>, Firl<sup>2</sup> and Ratton. Although Domesday Book does not mention the monks of Mortain as rural landowners in Sussex, yet one of the charters of the Abbey of Marmoutier at Tours<sup>3</sup> speaks of certain land at Blacheham and Wideham (both places which cannot be identified, but which were stated to be in the honour of Pevensey), which had been given by Earl Robert of Mortain to the monks of Mortain; so that it is not impossible that the monks of Mortain also were landowners in the rape of Pevensey. If these two latter identifications be admitted, we shall have only one person (Bernard, two burgesses) of whom it cannot be suggested that he was a landowner in Sussex.

A reference to the table at the end of this chapter will show the universality of the rule that many of the tenants in capite in a county were owners of houses in the county borough, and it is needless to multiply examples.

The fact that a large proportion of the houses within a borough were owned by persons who were also owners of rural properties in the county in which that borough was situate, naturally suggests that there must have been some connexion between the rural and urban properties; and a connexion of some kind is clearly shown at several places: for instance, at Buckingham<sup>4</sup>, the predecessors in title of the Domesday owners of the town houses are given; in eight cases out of ten they were also the predecessors in title of their rural properties, showing that in eight cases out of ten the same person succeeded to both the urban and rural properties of the evicted Saxon. Here is the list of the Domesday and pre-Domesday owners at Buckingham. The Bishop of Coutances succeeded to the three burgesses formerly held by Ulward fitz Edith, and to the property at Stewkley formerly held by Ulward cild<sup>5</sup>. Similarly—

<sup>1</sup> *D. B. i. 21 a, 1.*      <sup>2</sup> *Ib.*

<sup>3</sup> *Cat. Documents, France, p. 434.*

<sup>4</sup> *D. B. i. 143 a, 1.*

<sup>5</sup> *Id. 145 a, 2.*

Earl Hugh succeeded Burcard of Shenley in 1 burgess & in his property at Shenley<sup>1</sup>.

Robert of Ouilly succeeded Azor fitz Toti in 1 burgess & in his property at Shalston<sup>2</sup> & Water Stratford<sup>3</sup>, both of which he sublet.

Roger of Ivry succeeded the same Azor in 3 burgesses & in his property at Lessa<sup>4</sup>, Radclive<sup>5</sup> & Thornton<sup>6</sup>, all of which he sublet.

Hascolus Musart succeeded Azor fitz Toti in 8 burgesses & in his property at Chentone<sup>7</sup>.

Arnulf of Hesinde succeeded Wilaf in 1 burgess & in his property at Lenborough<sup>8</sup>, & Barton Hartshorn<sup>9</sup>.

William of Castellon had two burgesses of the fee of the Bishop of Bayeux, formerly of Earl Lewin; and the bishop succeeded Earl Lewin in his properties at Dodinton<sup>10</sup>, Dilehurst<sup>11</sup> and Celsunde<sup>12</sup>, but had sublet these estates to others than William. Lewin of Newham held five burgesses whom he held T. R. E.; and at both times he held five estates in the county<sup>13</sup>. The only burgesses who cannot be attributed to a rural property are the four held by Hugh of Bolebec, formerly of Alric, the four held by Manno Brit, formerly of Edith the wife of Syred, and the single burgess held by William of Castellon of the fee of Earl Alberic, whose former possessor is not recorded.

Other examples of succession by the same man to both the urban and rural properties of his predecessor can be cited in abundance: at Canterbury, Ralph of Curbespine succeeded to the eleven houses formerly belonging to Osbern Biga<sup>14</sup>, and also to his rural properties at Thurnham<sup>15</sup> and West Farborn<sup>16</sup>; at Cambridge, the Earl of Mortain succeeded to the houses of Judichel<sup>17</sup>, and to his estates at Berton<sup>18</sup>, Grantseta<sup>19</sup> and Gretone<sup>20</sup>.

At Colchester, Hamo the steward succeeded to the burgesses of Thurburn<sup>21</sup> and to his estates at Faulkbourn<sup>22</sup>, &c.; Earl Eustace succeeded to a house which Engelric had seized

<sup>1</sup> *D. B.* i. 146 *b*, 2.    <sup>2</sup> *Id.* 149 *b*, 1.    <sup>3</sup> *Ib.*    <sup>4</sup> *Id.* 151 *b*, 2.

<sup>5</sup> *Id.* 151 *b*, 2.    <sup>6</sup> *Id.* 151 *b*, 2.    <sup>7</sup> *Id.* 152 *b*, 1.    <sup>8</sup> *Id.* 144 *b*, 2.

<sup>9</sup> *Id.* 145 *a*, 1.    <sup>10</sup> *Id.* 144 *b*, 2.    <sup>11</sup> *Id.* 144 *a*, 2.    <sup>12</sup> *Id.* 144 *a*, 2.

<sup>13</sup> *Id.* 153 *a*, 1.    <sup>14</sup> *Id.* 2 *a*, 1.    <sup>15</sup> *Id.* 8 *a*, 2.    <sup>16</sup> *Id.* 8 *a*, 2.

<sup>17</sup> *Id.* 189 *a*, 1.    <sup>18</sup> *Id.* 193 *a*, 2.    <sup>19</sup> *Ib.*    <sup>20</sup> *Ib.*

<sup>21</sup> *Id.* ii. 106 *a*.

<sup>22</sup> *Id.* ii. 54 *b*.



(*occupavit*)<sup>1</sup>, and also to two hides of the land of Harold's reeve at Writtle<sup>2</sup>, of which Engelric had obtained possession (*pre-occupavit*); Aubrey de Vere succeeded to the houses of Ulwin<sup>3</sup> and to his estates at Canfield<sup>4</sup>; William, the nephew of the bishop, succeeded to the houses of Turchil<sup>5</sup> and to his estate at Peldon<sup>6</sup>. At Derby, Geoffrey Alselin succeeded to the church belonging to Tochi<sup>7</sup> and to his estates at Alvaston<sup>8</sup>; Ralph fitz Hubert succeeded to the church of Leuric<sup>9</sup>, and to his estate at Stratton<sup>10</sup>. At Stamford, Gunfride de Cioches succeeded to the houses of Azor<sup>11</sup> and to his estate at Casvic<sup>12</sup>; Countess Judith succeeded to the houses of Edward Cild<sup>13</sup> and to his estate at Widne<sup>14</sup>; the King succeeded to the houses of Queen Edith which lay in Rutland<sup>15</sup>, and to her estate at Hameldune in Rutland<sup>16</sup>.

Similarly at Hertford: King William succeeded to the burghesses of Earl Harold, and to his rural properties at Hitchin and elsewhere<sup>17</sup>; Geoffrey of Mandeville succeeded to the house of Esgar the Staller, and to his rural property at Shenley<sup>18</sup>; Hardwin of Scalers succeeded to the town house of Achi, and to his rural property at Bramfield<sup>19</sup>. Ulwi of Hatfield, who could sell or assign his house, may be identified with Ulwi who formerly held two hides at Pelham, which he could sell<sup>20</sup>. T. R. E. Algar held one hide and 12 acres at Cockenhatch<sup>21</sup> and a house at Hertford; but while Earl Alan succeeded to the house, Geoffrey of Bec succeeded to the land. The same connexion is shown at Lincoln<sup>22</sup>: seven persons besides the bishop are recorded in the separate account of the city as having houses in Lincoln; in six cases the predecessor in title of their town house is the man who preceded them in one of their country estates. Geoffrey Alselin succeeded to the house of Tochi in Lincoln, and also

<sup>1</sup> *D. B.* ii. 106 *b*.<sup>2</sup> *Id.* ii. 5 *b*.<sup>3</sup> *Id.* ii. 107 *a*.<sup>4</sup> *Id.* ii. 76 *a*.<sup>5</sup> *Id.* ii. 106 *b*.<sup>6</sup> *Id.* ii. 94 *b*: see *V. H.*, Essex, i. 418.<sup>7</sup> *D. B.* i. 280 *a*, 2.<sup>8</sup> *Id.* 276 *b*, 2.<sup>9</sup> *Id.* 280 *a*, 2.<sup>10</sup> *Id.* 277 *a*, 1.<sup>11</sup> *Id.* 336 *b*, 2.<sup>12</sup> *Id.* 366 *b*, 1.<sup>13</sup> *Id.* 336 *b*, 2.<sup>14</sup> *Id.* 366 *b*, 2.<sup>15</sup> *Id.* 336 *b*, 2.<sup>16</sup> *Id.* 293 *b*, 2.<sup>17</sup> *Id.* 132 *b*, 1.<sup>18</sup> *Id.* 139 *b*, 1.<sup>19</sup> *Id.* 142 *a*, 1.<sup>20</sup> *Id.* 134 *a*, 1.<sup>21</sup> *Id.* 140 *a*, 2.<sup>22</sup> *Id.* 336 *a*, 1.

to his estates at Reschinton<sup>1</sup> and elsewhere. Ralph Pagenel succeeded to the town house of Merleswegen, and to his estate at Burton<sup>2</sup>. Gilbert of Ghent succeeded to the town house of Ulf, and to his estate at Scantone<sup>3</sup>; he also succeeded Siward in his town house and in his property at Aschebi<sup>4</sup>; Earl Hugh succeeded to the town house of Earl Harold, and to his property at Granham<sup>5</sup>; Countess Judith succeeded Stori in his town house, and in his property at Hacham<sup>6</sup>; Roger of Busli succeeded to the town house of Swen fitz Suane, and to his property at Greetwell<sup>7</sup>. So that it is clear that, both before and after the Conquest, there was some connexion between the urban and rural properties in Buckingham, Cambridge, Canterbury, Colchester, Derby, Hertford and Lincoln.

It must also be noticed that in the Devon survey, the houses in Exeter owned by each tenant in capite appear not in the separate survey of the city, but at either the beginning or the end of the list of his rural properties—as if the commissioners had noted them down when entering the rural properties, added them up, and then entered them in one total.

We are not, therefore, surprised to find that at Warwick<sup>8</sup>, after a list of twenty-seven owners of houses within the borough, twenty-five of whom were tenants in capite, the statement that 'these masures belong to the lands which these barons hold without the borough, and are valued there.'

At Wallingford, it is definitely stated that the houses in the borough belonging to seventeen owners are appurtenant to certain Oxfordshire manors of theirs, all of which, except in four cases, are named:

Milo Crispin has 20 masures of 12*s.* 10*d.* lying in Nuncham;  
and again one acre in which are 6 haws of 18*d.*  
in Hasely 6 masures of 44*d.*;  
in Stoke 1 measure of 12*d.*;  
in Chalgrove 1 measure of 4*d.*;  
in Sutton 1 acre in which are 6 masures of 12*d.*;  
in Bray 1 acre in which are 11 masures of 3*s.*

All this land pertains to Oxfordshire and yet is in Wallingford.

<sup>1</sup> *D. B.* i. 369 *b.* 2.    <sup>2</sup> *Id.* 362 *b.* 1.    <sup>3</sup> *Id.* 354 *b.* 1.    <sup>4</sup> *Id.* 355 *b.* 1.

<sup>5</sup> *Id.* 349 *a.* 1.    <sup>6</sup> *Id.* 366 *b.* 2.    <sup>7</sup> *Id.* 352 *b.* 2.    <sup>8</sup> *Id.* 238 *a.* 1.

Rainald has 1 acre in which are 11 masures pertaining to Albury which is in Oxfordshire . . .

The under written thegns of Oxfordshire had land in Wallingford :

Archbishop Lanfranc, 4 houses in Newington.

Bishop Remigius 1 „ „ Dorchester.

Abbot of St. Alban's 1 „ „

Abbot R—— 1 „ „ Ewelme.

Earl Hugh 1 „ „ Pyrton.

Walter Gifard 3 „ „ Caversham.

Robert of Ouilly 2 „ „ Watlington.

„ 1 „ „ Perie.

Ilbert of Laici, Roger fitz Sefrid and Ongar, 3 houses.

Hugh of Bolebec, 3 houses in Crem.

Hugo grandis de Scoca, 1 house.

Drogo in Shirburn and Weston, 3 houses.

Robert Armenteres in Ewelme, 1 house.

Wazo in Ewelme, 1 house<sup>1</sup>.

But the survey of Leicester<sup>2</sup> goes further even than that of Wallingford ; there the urban houses belonging to each of the tenants in capite are definitely stated to pertain to certain named rural properties ; here is the schedule of the property of one of the largest owners :

Hugh of Grentmesnil has 110 houses and 2 churches ; besides these he has in common with the king 34 houses in the same borough.

These were apparently some of the king's demesne houses which he had granted to Hugh, who was also in receipt of the third penny of the borough.

The same Hugh also has in Leicester :

24 burgesses pertaining to Ansty (Hanstiglie).

13 „ „ Sileby (Siglesbie).

4 houses „ Ingaresby (Inwaresbie).

10 „ „ Belgrave (Merdegrave).

4 „ „ Broughton (Brohtone).

9 „ „ Stoughton (Stotone).

4 „ „ Wigston (Wichingestone).

7 „ „ Arnesby (Andretesbie).

3 „ „ Shilton (Sceltune).

10 „ „ Birstall (Burstelle).

3 „ „ Burton (Burtone).

1 „ „ Bruntingthorpe (Brunestinstorp).

2 „ „ Desford (Diresford).

<sup>1</sup> *D. B.* i. 56 a, 2.

<sup>2</sup> *Id.* 230 a, 1 ; see map facing p. 22.







3 burgesses pertaining to Langham (Legham).

1 " " Little Thorp (Letitone).

1 " " Thurlestone (Turchililestone).

And there were other houses pertaining to Carlton (Cherlinton), Barrow (Barhou), Kegworth (Cacheuorde), Loughborough (Locteburne), Newton (Niuueton), Chiborne (Chiburne), Dalby, Pickwell, Sheepshead (Scepehefde), Saddington (Sadintone), and Thorpe. There are similar entries stating that certain town houses are appurtenant to certain named rural properties at Oxford<sup>1</sup>, Northampton<sup>2</sup>, Stafford<sup>3</sup> and Colchester<sup>4</sup>.

To sum up, we have seen that the houses contributed by the contributory properties to boroughs of the Canterbury type may be arranged under their various owners, in the same manner as the list of owners is compiled in boroughs of the Hertford type: that in the latter class of boroughs there is some connexion between the rural and the urban properties of many of the tenants in capite: that at Warwick and Leicester the urban properties of the tenants in capite are stated to pertain to certain of their rural properties; and that similar statements are made in isolated cases in a few other boroughs. From these conclusions it may be fairly deduced that the sole difference between the boroughs of the Canterbury type and those of the Hertford type is, that in the former the contributed houses were entered under the various rural properties to which they were appurtenant, and that in the latter they were entered in the boroughs in which they were actually situate, and stated to belong to the owners of the rural property to which they were appurtenant.

And this deduction may in more than one case be substantiated by direct evidence: in 1032 Canute confirmed to the Abbey at Abingdon the devise by Ethelwin of two hides at Linford, 'and the haw in Oxford that he himself built<sup>5</sup>': Domesday Book gives Linford as one of the properties of the Abbey in Berkshire<sup>6</sup>, but mentions no appurtenant haw in Oxford; but in the survey of Oxford the Abbot of

<sup>1</sup> *D. B.* i. 154 a, 1.

<sup>2</sup> *Id.* 219 a, 1.

<sup>3</sup> *Id.* 246 a, 1.

<sup>4</sup> *D. B.* ii. 106 a, &c.

<sup>5</sup> *K.* 746.

<sup>6</sup> *D. B.* i. 59 a, 1.



Abingdon is returned as owning fourteen mansions in that city<sup>1</sup>. In 985 Archbishop Oswald granted out of the lands of Worcester Abbey a lease for three lives of one hide at Clopton with one haw 'on porte'<sup>2</sup>: Domesday Book states that Urso held one hide at Clopton of the Bishop of Worcester<sup>3</sup>, and also that he held of him twenty-five houses in the market-place of the city<sup>4</sup>. Some few years earlier the same prelate also granted a lease of three hides at Bradingcote 'with the haw that he had before the Gate'<sup>5</sup>; Domesday Book shows that Walter Ponther held three hides at Bradecote of the Bishop of Worcester as parcel of the manor of Northwich<sup>6</sup>; but in right of this manor the bishop had ninety houses in the city of which Walter Ponther held eleven<sup>7</sup>. In all these cases the owners of town houses are shown to be owners of country properties, to which there were appurtenant haws in these towns not a century earlier.

One objection to this theory is that there were many boroughs which appear to belong to both classes, and to have both contributory lords and contributory properties. Leicester, Oxford, Wallingford, Northampton and Stafford have already been mentioned; in the separate survey of Malmesbury<sup>8</sup> we find that there were twenty-two and a half houses owned by sixteen persons, thirteen of whom were tenants in capite; from the surveys of the rural properties it appears that there were twelve properties contributing twelve and a half burgesses or houses; but a comparison of the records shows that although there were four persons who appeared on both lists (as urban owners and as owners of contributory properties), yet they were assessed in each list for different properties; thus—

The Abbot of Malmesbury had  $4\frac{1}{2}$  masures and outside the borough  
9 coscez who gelded with the burgesses;

he also held Little Somerford<sup>9</sup> contributing one burgess.

The Abbot of Glastonbury had 2 masures;

but he also held Langley<sup>10</sup> contributing one burgess.

<sup>1</sup> See p. 32.

<sup>2</sup> *K.* 649.

<sup>3</sup> *D. B.* i. 172 *b*, 2.

<sup>4</sup> *Id.* 173 *b*, 1.

<sup>5</sup> *K.* 683.

<sup>6</sup> *D. B.* i. 173 *b*, 2.

<sup>7</sup> *Id.* 173 *b*, 1.

<sup>8</sup> *Id.* 64 *b*, 1.

<sup>9</sup> *Id.* 67 *a*, 1.

<sup>10</sup> *Id.* 66 *b*, 2.

Humphrey of the Isle (of Wight) owned 1 house ;  
 but he also held Come<sup>1</sup> contributing 2 burgesses rendering 18*d.*  
 Drogo fits Pons owned  $\frac{1}{2}$  house in the borough ;  
 but he also held Segrie<sup>2</sup> contributing 1 house.

On the other hand there are a few cases where it is clear that a person is entered on both lists for the same property ; in the description of Wallingford it is stated that

Bishop Walchelin has 27 haws of 25*s.* which are valued in his manor of Brightwell<sup>3</sup>.

And on turning to Brightwell we find

Of the pleas of the land in Wallingford pertaining to this manor, 25*s.*<sup>4</sup>

But such cases are rare, and in the majority of the examples of apparent duplication, examination will show that the parties are really entered on the two lists for two separate properties.

Finally, a comparison of the list of owners in the county town with the list of landowners in the county will show that it was not every landowner who had a house in the town. Thus in

Buckinghamshire out of 57 landowners, only 8 had town houses.

Warwickshire	"	45	"	25	"
Northamptonshire	"	60	"	24	"
Hertfordshire	"	44	"	8	"
Staffordshire	"	17	"	5	"
Wiltshire	"	68	"	13	"
Devon	"	53	"	16	"

### 3. THE DUTIES OF THE CONTRIBUTORIES.

We have now come to the conclusion that in all the county boroughs, and in certain others which we have agreed to call quasi-county boroughs, there was a certain connexion between some of the rural properties in the county and certain houses within that borough, in such manner that those houses, although physically situate within the borough, were appurtenant to, and were valued as integral parts of, the rural properties ; in other words, that certain rural properties con-

<sup>1</sup> *D. B. i.* 71 *a*, 1.    <sup>2</sup> *Id.* 73 *a*, 1.    <sup>3</sup> *Id.* 56 *a*, 2.    <sup>4</sup> *Id.* 58 *a*, 2.

tributed houses to the county and quasi-county boroughs. For a universal rule like this there must have been some reason, and some duty to be performed by the contributed houses or their occupiers; and it is suggested that this reason and this duty can be explained by the description of Oxford<sup>1</sup>.

The King has 20 mural mansions formerly of Earl Algar T. R. E.

"	I	mansion	pertaining to	Shipton.	
"	I	"	"	Bloxham.	
"	I	"	"	Risborough.	
"	2	"	"	Twyford.	(I) <sup>2</sup>

These are called mural mansions because, if need be and the King command, they repair the wall.

To the lands which Earl Alberic held pertain 1 church and 3 mansions: of these two lie at the Church of St. Mary, and one lies at Burford.

(XVIII)

To the lands which Earl William (fitz Osbern) held pertain 9 mansions.

(LIX)

The Archbishop of Canterbury has 7 mansions (II)

The Bishop of Winchester " 9 " (III)

" Bayeux " 18 " (VII)

" Lincoln " 30 " (VI)

" Coutances " 2 "

" Hereford " 3 "

The Abbot of St. Edmund's " 1 " pertaining to Taynton.

" Eynsham " 13 " and 2 Churches<sup>3</sup>.

" Abingdon " 14 " (IX)

The Earl of Mortain " 10 " (XVI)

Earl Hugh " 7 " (XV)

The Earl of Evreux " 1 " (XVII)

Henry of Ferrers " 2 " (XXIV)

William Peverel " 4 " (XXIII)

Edward the sheriff " 2 " (XLI)

Arnulf of Hesdin " 3 " (XL)

Berenger of Todeni " 1 " (XXXIV)

Milo Crispin " 2 " (XXXV)

Richard of Curci " 2 " (XXXII)

<sup>1</sup> *D. B. i. 154 a, 1.*

<sup>2</sup> The Roman numerals show the numbers prefixed to each tenant's name in the list of tenants in capite in Oxfordshire.

<sup>3</sup> Columban, Abbot of Eynsham, held Eynsham, &c., under the Bishop of Lincoln, *D. B. i. 155 a, 2.*



Robert of Ouilly	holds 12 mansions	(XXVIII)
Roger of Ivry	" 15 "	(XXIX)
Ralph Flambar <sup>1</sup>	" 1 "	
Wido of Reinbodcurth	" 2 "	(XXXVI)
Walter Gifard	" 17 "	(XX)

The predecessor of Walter Gifard held one of these of the gift of King Edward from 8 virgates which were customary T. R. E.

Jernio holds 1 mansion pertaining to Hampton<sup>2</sup>.

The son of Manasses holds one mansion rendering 4*d*. to Bletchingdon<sup>3</sup>.

All the above written hold the aforesaid mansions free on account of the reparation of the wall.

All mansions called mural T. R. E. were free of all custom except expedition and wall repair. . . .

Ulvric holds 1 mansion waste, and yet if need be he repaired the wall<sup>4</sup>. . . .

Swetman has 2 mural mansions.

Another Swetman has 1 free for the same service. . . .

Lodowin has 1 house in which he resides free for wall (repair) . . .

Alwin has 1 house free for repairing the wall<sup>5</sup>.

And if the wall has need of repair, and he whose duty it is, does not repair it, he shall either forfeit to the King 4*ox*., or lose his house.

Now twenty-seven of these thirty-four owners of mural mansions in Oxford can be identified as follows :

The King . . . . .	1
Tenants in capite in Oxfordshire . . . . .	23
Mesne tenant in Oxfordshire . . . . .	1
Owning contributed houses but not tenants in Oxfordshire	2
	<hr/>
	27

It is, therefore, perfectly clear that all the houses contributed by the landlords of the county were charged with the repair of the walls of Oxford. But it has just been proved that the landlords of the county held their town houses in respect of their rural properties ; therefore it was upon the houses contributed by the rural properties that the duty fell of keeping the city walls in repair.

<sup>1</sup> Ralph Flambar held Middleton of the king (157*a*, 1).

<sup>2</sup> Jernio held Hampton of the king (160*b*, 2).

<sup>3</sup> Alwin the sheriff held Bletchingdon of the king (160*b*, 2) ; but his predecessor in title had sold the estate to Manasses without license.

<sup>4</sup> An Ulvric was predecessor of Milo Crispin at Rotherfeld (159*a*, 2).

<sup>5</sup> An Alwin was predecessor of Milo Crispin at Whitchurch (159*a*, 2).

The Abbot of St. Edmund's possessed the house contributed by Taynton, although the manor of Taynton belonged to the church of St. Denys of Paris; but we can easily understand this when we remember that at Rochester the Bishop of Bayeux retained in his own hands certain houses contributed by some of his rural properties when he granted the latter to his mesne tenants. Is it unreasonable to suppose that the mural mansions belonging to the Bishop of Coutances and others were also originally contributed to Oxford by some rural property, and were granted to their Domesday owners away from the properties to which they were originally appurtenant? If so, the contributed houses alone were liable for the repair of the walls. *Ex uno disce omnes*; and as the tenorial organization of Oxford differed in no way from that of Canterbury, Chichester, Exeter, Buckingham, Lincoln, York and Colchester, nor indeed from that of any of the composite boroughs, we may well conclude that on the contributed houses in these boroughs fell the liability for repair of the borough walls.

The distinction at Nottingham between 'merchants' houses' and 'knights' houses'<sup>1</sup> (*equitum domus*) looks like additional evidence that there at all events some of the burgesses were of a military character: and the record calls special attention to the fact that one of the knights' houses was occupied by a merchant, as if to imply that thereby the force for the defence of the borough was diminished. And possibly the *cnihten* guilds in London, Winchester and Canterbury are further evidence that some of the burgesses were military men<sup>2</sup>.

As a further proof of this contention, reference may be made to a document in the Register of Malmesbury Abbey, apparently of the year 1283, which gives the names of those who were then liable for the repair of the king's wall at Malmesbury<sup>3</sup>; the greater part of this liability fell on the abbey itself; but certain portions of the wall were to be repaired 'de feudo de Combe, de feudo de Wrokeshalle' by the lord of Foxley and by the prior of Hundlavintone:

<sup>1</sup> *D. B.* i. 280 a, 1.

<sup>2</sup> *D. B.* and *B.* 191.

<sup>3</sup> *Registrum Malmesburiense*, i. 136.

Domesday Book shows that Come<sup>1</sup>, Werocheshalle<sup>2</sup>, Foxlege<sup>3</sup> and Hundlavintone<sup>4</sup> were all contributory to the borough of Malmesbury; and thus the two records show that it was the duty of the contributories to repair the walls of Malmesbury at the end of the thirteenth century.

The rule in Cheshire was—

To repair the wall of the city and the bridge, the *praepositus* ordered a man to come from every hide in the county: the lord of the man who did not come made amends in 40s. to the King and Earl<sup>5</sup>.

But to the city of Chester thirty-five burgesses and two waste masures were contributed by four properties assessed at twenty hides: the Oxford evidence would lead us to think that these four properties kept their men in the city in order that they might always be ready when required. Notice, too, that the penalty for neglect at both Oxford and Chester is forty shillings. In addition to Chester, Domesday Book mentions the walls of Colchester, Hereford, Leicester, Lincoln and Oxford, and the ditches of Canterbury, Nottingham and York.

The tenth-century regulations for the repair of Rochester bridge<sup>6</sup>, give the names of the persons and properties on whom this duty devolved: and of these properties, five—Borstall, Frindsbury, Eccles, Chalk and Hoo—are stated by Domesday Book to have had contributed houses in that city either in 1066 or 1086; so that in this case it would appear that it was *brig-bot* rather than *burh-bot* that was performed by the contributed houses; or, perhaps we should say, as all properties were alike liable for both *brig-bot* and *burh-bot*, that the contributed houses repaired both the bridge and the wall at Rochester.

It thus appears that the evidence of Domesday Book supports Professor Maitland's 'garrison theory,' with a slight modification, and proves that many of the rural magnates performed their duty of fortifying the boroughs by keeping houses in those boroughs and burgesses in those houses<sup>7</sup>—and that too, not only in the newer Midland boroughs, such as Oxford, Buckingham, Tamworth, Warwick and

<sup>1</sup> D. B. i. 71 a, 1.

<sup>2</sup> Id. 69 b, 2.

<sup>3</sup> Id. 72 b, 1.

<sup>4</sup> Id. 72 a, 2.

<sup>5</sup> Id. 262 b, 2.

<sup>6</sup> B. 1321.

<sup>7</sup> D. B. and B. 189.



Stafford, but in those also that were inhabited in Roman times—London, Pevensey, Chichester, Exeter, Gloucester, Chester and Colchester.

#### 4. THE DEMESNE.

Now that we have considered the intricate questions of the contributory properties and the contributory lords, we need not spend much time over the demesne houses. At the very beginning of the description of Warwick we find a statement that 'in Warwick the King has in demesne 113 houses<sup>1</sup>', and a similar statement is made in connexion with almost all the county and quasi-county boroughs. At Wallingford King Edward had 276 houses, but at the time of Domesday Book their number was diminished by thirteen<sup>2</sup>; at Hereford there were T. R. E. 103 men dwelling within and without the walls<sup>3</sup>; at Norwich there were T. R. E. 1238 burgesses of whom the king and earl had soc and sac and custom<sup>4</sup>; at Colchester there were 276 king's burgesses (a list of whose names is given) who paid custom<sup>5</sup>; and at Canterbury King Edward had fifty-one burgesses paying gablum, and 212 over whom he had sac and soc<sup>6</sup>. The king had sixty-four burgesses at Bath<sup>7</sup>, and 111 at Grantham<sup>8</sup>. A comparison of the descriptions of boroughs in all parts of the kingdom will show that over his demesne houses the king had the most extensive powers: from them he received the gablum, and over them he had sac and soc; they were his men, and owed service to none but his officers. But the king was not the only owner of property within a borough that was not connected with rural properties: at Wareham the king had seventy houses in his demesne, on the part of St. Wandregisilius there were forty-five houses standing, and on the part of the other barons there were twenty houses standing<sup>9</sup>; at the time of Domesday Book the king had at Leicester thirty-nine houses, and Hugh of Grentmesnil had 110 houses, in addition to the houses which Hugh and

<sup>1</sup> *D. B.* i. 238 *a*, 1.

<sup>2</sup> *Id.* 56 *a*, 2.

<sup>3</sup> *Id.* 179 *a*, 1.

<sup>4</sup> *D. B.* ii. 116 *a*.

<sup>5</sup> *Id.* ii. 104 *a*, &c.

<sup>6</sup> *D. B.* i. 2 *a*, 1.

<sup>7</sup> *Id.* 87 *a*, 2.

<sup>8</sup> *Id.* 337 *b*, 2.

<sup>9</sup> *Id.* 75 *a*, 1.

others had as appurtenant to their rural properties<sup>1</sup>. It would appear as though the houses belonging to the saint at Wareham were originally part of the king's demesne, which he or his predecessors had granted to St. Wandregisilius. At Wallingford<sup>2</sup> and Warwick<sup>3</sup> we read of burgesses possessing their own houses and having sac and soc over them, and possibly these too were grants out of the demesne<sup>4</sup>. Whether this be so or no it must always be remembered that there were some houses in every borough that had no connexion with any rural property.

In some cases the earl of the county in which the borough was situate appears to have owned some houses within the borough in virtue of his position as earl: at Stafford<sup>5</sup> the king had in his demesne twenty-three houses of the honour of the earl; and probably some of the 110 houses above mentioned as belonging, at Leicester, to Hugh of Grentmesnil may have belonged to the earl's honour, as it is stated that he had the third penny of the minters; but a distinction is drawn at Leicester between Hugh of Grentmesnil and Earl Hugh (of Chester)<sup>6</sup>. Possibly in other cases no distinction is made in Domesday Book between the houses contributed by the earl's rural properties and those belonging to him by virtue of his office.

The Norwich extract quoted above shows that the king was not always absolute sole owner of his demesne houses; for, as we shall see later, it was the general rule T. R. E. that the earl received the third penny of the county boroughs; luckily in another part of the Norwich survey we can see a borough in the making:

Franci de Norwic<sup>7</sup>. In the new borough there were 36 burgesses & 6 English, and of their annual custom they rendered each 1*d.* besides forfeitures. Of all this the King had two parts and the Earl the third. Now there are 41 French burgesses in the demesne of the King and Earl.

<sup>1</sup> *D. B.* i. 230 *a* 1.

<sup>2</sup> *Id.* 56 *b*, 1.

<sup>3</sup> *Id.* 238 *a*, 1.

<sup>4</sup> But another explanation is possible: see post, p. 59.

<sup>5</sup> *D. B.* i. 246 *a*, 1.

<sup>6</sup> Miss Bateson says that Hugh of Grentmesnil was never referred to as Earl of Leicester, but was sheriff of the county. *Leicester Records*, I. xiii. See also Freeman's *Norman Conquest*, iv. 252. <sup>7</sup> *D. B.* ii. 118 *a*.

Roger Bigot has 50 burgesses.	(IX)
Ralph de Bellafago has 14 burgesses.	(XX)
Hermer has 8 burgesses.	(XIII)
Robert Arbalister has 5 burgesses.	(LIV)
Fulcher, a man of the Abbot has 1 burgess.	
Isaac has 1 burgess.	(XLVII)
Ralph viso lupi has 1 burgess.	
In the Earl's mill Robert Blund has 3 burgesses.	
Wimer has 1 house waste.	

All this land of the burgesses was in the demesne of Earl Ralph, and he granted it to the King in common to make a borough between himself and the King as the Sheriff testifies ; and all these men both of the knights and the burgesses render to the King his custom. . . .

And so long as Robert Blund held the county, he had thence every year an ounce of gold.

From this it would appear that the soil of one county borough at least was vested in the king and the earl in common.

And we have already noticed that the county boroughs (i.e. those at the head of the descriptions of the counties) were not stated to be holden by any one ; the same is true of the four quasi-county boroughs of Sussex ; Chichester was said to be 'in the hands of Earl Roger <sup>1</sup>.' Neither Guildford <sup>2</sup> nor Southwark <sup>3</sup> was holden by any one : the king was said to 'have,' not to 'hold,' Barnstaple <sup>4</sup> and Lidford <sup>5</sup>, but he 'holds' Bath <sup>6</sup>, and Judhael 'holds' Totnes <sup>7</sup>. Guildford, Barnstaple, Lidford, Calne <sup>8</sup>, Bath and the Wiltshire boroughs were under the rubric 'Terra Regis,' and the East Anglian boroughs, except Colchester, were under the same rubric.

It is possible that the demesne houses were not liable for the repair of the walls : at Oxford it is distinctly stated that the king's 'mural mansions' formerly belonged to Earl Algar, and were contributed by Shipton, Bloxham, Risborough and Twyford ; and at Hertford a distinction is drawn between the king's 146 burgesses who were formerly in the soc of King Edward, and his 18 burgesses who were formerly the men of Earl Harold.

The question of the financial relations of the king and the earl to the composite boroughs will be discussed in the next chapter.

<sup>1</sup> *D. B. i. 23 a, 1.*

<sup>2</sup> *Id. 30 a, 1.*

<sup>3</sup> *Id. 32 a, 1.*

<sup>4</sup> *Id. 100 a, 2.*

<sup>5</sup> *Id. 100 a, 2.*

<sup>6</sup> *Id. 87 a, 2.*

<sup>7</sup> *Id. 108 a, 2.*

<sup>8</sup> *Id. 64 b, 2.*



BOROUGHES.	Burgesses in Demesne.	Contributory Properties.		Contributory Lords.				Remarks.
		Burgesses.	Properties.	Burgesses.	Lords.	T. in Cap.	Misc. Tenants.	
Arundel . . . .	...	...	...	17	7	...	7	
Barnstaple . . .	49	3	3	17	3	3		
Bath . . . . .	64	18	5	24	1			
Bristol . . . .	...	3	1					
Brueton . . . .	...	13	3					
Buckingham . . .	26	...	...	26	10	8	1	
Calne . . . . .	48	4	3	25	1			
Cambridge . . .	301	...	...	20	5	3	1	
Canterbury (1066) .	266	291	16					
"    (1086) .	231	165	13	64	3	1	3	
Chester . . . .	226	35	4	67	3	1		
Chichester . . .	157½	142	44	1	1			
Colchester . . .	276	32	12	50	12			
Cricklade . . . .	...	34	10	...	1			
Derby . . . . .	140	...	...	...	9			
Dorchester . . .	88	2	2					
Dover . . . . .	...	...	...	29	12			
Droitwich . . . .	11	46	9	69	6	4	2	
Dunwich . . . .	236	80	1	...				
Exeter . . . . .	E. 285	26	3	99	17	16	1	
Gloucester . . . .	...	95	17	23	16	4		
Grantham . . . .	111	...	...	77				
Guildford . . . .	175	3	2	4	2			
Hastings . . . .	...	24	2					
Hereford . . . .	E. 103	6	2	...	2	2		
Hertford . . . .	E. 146	...	...	35	8	7	1	
Huntingdon . . .	256	...	...	37	4	4		
Hythe . . . . .	...	232	2					
Ilchester . . . .	107	1	1					
Ipswich . . . . .	110	...	...	71	7	7		
Langport . . . .	34	5	1					
Leicester . . . .	39	126	26	161	7			
Lewes . . . . .	166	258	35	...				
Lincoln . . . . .	900	...	...	117	8	7		
London . . . . .	...	150	11					

BOROUGHES.	Burgesses in Demeane.	Contributory Properties.		Contributory Lords.				Remarks.
		Burgesses.	Properties.	Burgesses.	Lords.	T. in Cap.	Mesne Tenants.	
Malmesbury . . .	26	12½	11	21½	16	13		
Milbourne . . .	56	5	1					
Northampton . .	87	...	...	191	34	24	5	
Norwich . . . .	665							
„ New borough	41	...	...	84	9	5		
Nottingham . . .	120	...	...	118	8	6		
Oxford . . . .	...	...	...	...	65	23	1	
Pevensey . . . .	60	...	...	50	16	...	13	
Rochester {1066	...	35	9}	80	1	1		
{1086	...	19	6}					
Romney . . . .	...	156	3					
Sandwich . . . .	383	32	1					
Shaftesbury . . .	66	...	...	111	1			
Shrewsbury . . .	E. 252	2	2	39	3	3		
Southampton . .	76	7	2	46	24	11		
Southwark . . .	...	47	11					
Stafford . . . .	40	18	2	91	8	8		
Stamford . . . .	269	...	...	64	6	4	...	[coln. in Lin-
„ . . . .	...	...	...	72	2	1	...	in Rut- land.
Sudbury . . . .	55	15	1					
Tamworth . . . .	...	22	3					
Thetford . . . .	720	...	...	38	2	1		
Torksey . . . .	102							
Totnes . . . .	110							
Wallingford . . .	285	{84 65	17 10	}117	47	{17 15		Oxon. Berks.
Wareham . . . .	73	9	5	60	?			
Warwick . . . .	113	23	9	131	46	25	1	
Wilton . . . .	...	23	9					
Wimbourn . . . .	...	22	3					
Winchcombe . . .	...	36	13					
Winchester . . .	...	65	13	31	1	1		
Worcester . . . .	...	108	12	28	1	1		
Yarmouth . . . .	70	...	...	12	1	1		
York . . . .	936	...	...	141½	22	9		

## CHAPTER III

### THE INTERNAL ORGANIZATION OF THE COMPOSITE BOROUGHES

#### I. THE KING AND THE EARL.

THE position of the king and the earl in the county boroughs with respect to their houses in demesne has already been discussed; and it has been ascertained that, with respect to these houses, they occupied the same position as any other house-owner. But the earl had also an important financial connexion with these boroughs. An analysis of the Huntingdon accounts shows that there the earl received one-third of the receipts<sup>1</sup>; and we find that it was a general rule before the Conquest that the earl received the third penny of the renders of the county and quasi-county boroughs. This payment from the boroughs must not be confused with a payment which the earls received from the counties; they received the third penny of the pleas of the counties, but from the boroughs they received one-third of the whole receipts<sup>2</sup>: the Chester survey again and again points out that the various payments are divided between the king and the earl.

The first page of Domesday Book shows that King Edward received two-thirds of the render of Dover, and Earl Godwin the other third<sup>3</sup>; from Oxford, the king then received £20, and Earl Algar £10<sup>4</sup>: and similarly also at Barnstaple<sup>5</sup>, Chester<sup>6</sup>, Chichester<sup>7</sup>, Derby<sup>8</sup>, Droitwich<sup>9</sup>, Fordwich<sup>10</sup>, Hereford<sup>11</sup>, Ipswich<sup>12</sup>, Lewes<sup>13</sup>, Lincoln<sup>14</sup>, Norwich<sup>15</sup>, Southwark<sup>16</sup>, Stafford<sup>17</sup>,

<sup>1</sup> *D. B.* i. 203 a, 2.

<sup>2</sup> Round, *Geoffrey de Mandeville*, p. 287.

<sup>3</sup> *D. B.* i. 1 a, 1.

<sup>4</sup> *Id.* 154 a, 1.

<sup>5</sup> *Id.* 100 a, 2.

<sup>6</sup> *Id.* 262 b, 2.

<sup>7</sup> *Id.* 23 a, 1.

<sup>8</sup> *Id.* 280 a, 2.

<sup>9</sup> *Id.* 172 a, 2.

<sup>10</sup> *Id.* 12 a, 2.

<sup>11</sup> *Id.* 179 a, 1.

<sup>12</sup> *D. B.* ii. 290 b.

<sup>13</sup> *D. B.* i. 26 a, 1.

<sup>14</sup> *Id.* 336 b, 1.

<sup>15</sup> *D. B.* ii. 117 a.

<sup>16</sup> *D. B.* i. 32 a, 1.

<sup>17</sup> *Id.* 246 a, 1.



Thetford<sup>1</sup>, Torksey<sup>2</sup>, Totnes<sup>3</sup>, Winchcombe<sup>4</sup>, Worcester<sup>5</sup>, and Yarmouth<sup>6</sup> the third penny of the borough was paid T. R. E. to the earl; but at Exeter<sup>7</sup>, Leicester<sup>8</sup> and Shrewsbury<sup>9</sup> the sheriff had the third penny; and at Worcester<sup>5</sup> the king, the earl and the bishop had each one-third of the receipts. In part of Lewes the king and earl equally divided the profits both before and after the Conquest.

After the Conquest the king in some cases ousted the earl from all share in the borough; at Worcester<sup>5</sup> and Droitwich<sup>10</sup> the king had then in demesne both his own and the earl's parts; at Stafford<sup>11</sup> the king had the whole render of both his own and the earl's shares, and was definitely stated to hold certain houses of the earl's honour, but he had granted one half of his own two-thirds to Robert of Stafford; and at Hereford<sup>12</sup> he had the city in demesne and received the whole render.

Vice versa, there were a few cases where the earl had obtained the king's share; Chichester<sup>13</sup> and Shrewsbury<sup>9</sup> were entirely in the hands of Earl Roger: the king had no houses in either of these cities nor any share in the profits; and Earl Hugh received the farm of Chester<sup>14</sup>. Occasionally the Conqueror made grants of the earl's third penny: thus the Bishop of Coutances received the third penny of Barnstaple<sup>15</sup>, and Westminster Abbey that of Cricklade<sup>16</sup>: before the Conquest, the third penny of Totnes had been annexed to the manor of Langford, which belonged to Earl Lewin, but King William granted it to Judhael to whom he had already given his share of that borough<sup>17</sup>. Edward the Confessor had given two-thirds of the borough of Fordwich to the monks of St. Augustine's at Canterbury: after the Conquest the Bishop of Bayeux, who had been made Earl of Kent, gave them the third penny, with the consent of King

<sup>1</sup> *D. B.* ii. 119 *a.*<sup>2</sup> *D. B.* i. 337 *a.*, 1.<sup>3</sup> *Id.* 102 *a.*, 2.<sup>4</sup> *Id.* 162 *b.*, 1.<sup>5</sup> *Id.* 172 *a.*, 1.<sup>6</sup> *D. B.* ii. 118 *a.*<sup>7</sup> *D. B.* i. 100 *a.*, 1.<sup>8</sup> *Id.* 230 *a.*, 1: see p. 37 *n.*, 2.<sup>9</sup> *Id.* 252 *a.*, 2.<sup>10</sup> *Id.* 172 *b.*, 1.<sup>11</sup> *Id.* 246 *a.*, 1.<sup>12</sup> *Id.* 179 *a.*, 1.<sup>13</sup> *Id.* 23 *a.*, 1.<sup>14</sup> *Id.* 262 *b.*, 1.<sup>15</sup> *Id.* 100 *a.*, 2 and 102 *a.*, 1.<sup>16</sup> *Id.* 67 *a.*, 2.<sup>17</sup> *Id.* 101 *a.*, 2.

William<sup>1</sup>. The sheriffs of Wilts and Somerset accounted to King William for the third pennies of the boroughs in those counties<sup>2</sup>: this may mean, either that the king received no more than one-third of the profits of these boroughs or, more probably, that these third pennies had ceased to be payable to earls, as the Conqueror had appointed no earls for these counties.

It is not unlikely that the facts we have just learnt about the renders of the boroughs will account for the difference between the county and quasi-county boroughs: as a general rule, if the render of a composite borough was divided between the king and the earl or the sheriff, this borough was placed at the head of the survey of the county in which it was situate; if the whole of the render was received by the king, it was valued with the *Terra Regis*; if the whole was received by a subject, it was valued along with the lands of that subject. To the first of these rules Chester, Hereford, Shrewsbury, and probably Malmesbury, were exceptions; (of course it will be remembered that we are without information as to the third penny of many boroughs); the second rule would account for the Wilts and Somerset boroughs being valued with the *Terra Regis*; the third rule accounts for Fordwich, Chichester and Totnes being valued with the lands of their respective lords.

In connexion with the discussion of the third penny, we must learn to distinguish between two similar phrases: 'in the borough of Warwick the king has in his demesne 113 houses<sup>3</sup>;' 'now the king has in demesne both his own share [of the city of Worcester] and that of the earl<sup>4</sup>.' The king was said to have in demesne those houses of which he received the *gablum* or rent, but he had a borough in demesne only when the earl had no share of the profits; so that he could have houses in demesne in a borough which was not in his demesne.

<sup>1</sup> *D. B. i. 12 a, 2.*

<sup>2</sup> And also of Marlborough and Salisbury, which are not styled boroughs: *D. B. i. 64 b,*

<sup>3</sup> *D. B. i. 238 a, 1.*

<sup>4</sup> *Id. 172 a, 1.*

## 2. THE SHERIFF.

It is obvious that neither the king nor the earl could personally collect the dues arising from the various boroughs; that duty must have been entrusted to some one, and accordingly we find that it was the sheriff who accounted for the renders of Malmesbury<sup>1</sup>, Worcester<sup>2</sup> and Droitwich<sup>3</sup>, and that the surveys of Canterbury<sup>4</sup> and Hertford<sup>5</sup> refer to the times when the sheriffs received those towns. The separate renders of the boroughs of Leicester<sup>6</sup> and Warwick<sup>7</sup> are not given, but are included with the renders of the counties, and were therefore accounted for by the sheriff. It is expressly stated that the sheriff of Northamptonshire received the sum of £30 10s. from the burgesses of Northampton, 'which belongs to his farm<sup>8</sup>,' and that the penalty of 100s. for breaking into the city of Wallingford by night was paid to the king and not to the sheriff, and was therefore not a portion of his farm<sup>9</sup>. Durand the sheriff increased the render (*apposuit*) of Winchcombe by 100s.<sup>10</sup>; Baldwin the sheriff received the third penny of Exeter<sup>11</sup>, and Hugh of Grentmesnil that of Leicester<sup>12</sup>. At Hereford<sup>13</sup> and Shrewsbury<sup>14</sup>, it was the sheriff who headed the citizens when he made a raid into Wales; and at the latter place he called on them to go hunting with the king and to find horses for his journey, and received the third penny for himself. It was the sheriff who granted Ipswich<sup>15</sup> and perhaps Colchester<sup>16</sup> to farm; of the new borough at Norwich we read that 'as long as Robert Blund held the county (i.e. was sheriff), he received thence a mark of gold<sup>17</sup>.' Edward of Salisbury, the sheriff of Wiltshire, rendered to the king the third penny of Bath<sup>18</sup>, and William Moion, the sheriff of Somerset, accounted for the third penny of the Somerset boroughs<sup>19</sup>. We find the sheriffs disposing of houses in the old portion of Norwich<sup>20</sup>, and at York<sup>21</sup>, where

<sup>1</sup> *D. B.* i. 64 *b*.<sup>2</sup> *Id.* 172 *a*, 1.<sup>3</sup> *Id.* 172 *b*, 1.<sup>4</sup> *Id.* 2 *a*, 1.<sup>5</sup> *Id.* 132 *a*, 1.<sup>6</sup> *Id.* 230 *a*, 1.<sup>7</sup> *Id.* 238 *a*, 1.<sup>8</sup> *Id.* 219 *a*, 1.<sup>9</sup> *Id.* 56 *b*, 1.<sup>10</sup> *Id.* 162 *b*, 1.<sup>11</sup> *Id.* 100 *a*, 1.<sup>12</sup> *Id.* 230 *a*, 1.<sup>13</sup> *Id.* 179 *a*, 1.<sup>14</sup> *Id.* 252 *a*, 1.<sup>15</sup> *D. B.* ii. 290 *b*.<sup>16</sup> *Id.* ii. 107 *b*.<sup>17</sup> *Id.* ii. 118 *a*.<sup>18</sup> *D. B.* i. 64 *b*, 2 and 87 *a*, 2.<sup>19</sup> *Id.* 87 *a*, 2.<sup>20</sup> *D. B.* ii. 117 *b*.<sup>21</sup> *D. B.* i. 298 *a*, 1.



he was responsible for taking a house into the castle; and sheriff Hugh built thirteen houses at Nottingham<sup>1</sup>.

Reference will be made to the exactions of Picot the sheriff at Cambridge<sup>2</sup>, and to the destruction of houses at Dorchester, Wareham and Shaftesbury in the days of Hugh the sheriff<sup>3</sup>. Eustace the sheriff of Huntingdonshire had complaints made against him because he had appropriated ten burgesses from the abbot of Ramsey, and twelve from Borred and Turchil, and also a mansion which King William had granted to the widow and children of Alvrice a former sheriff<sup>4</sup>. Of Lincoln, it is stated,

166 waste houses were destroyed on account of the castle, and 74 others were destroyed not on account of the oppression of the sheriffs and their ministers but on account of poverty and misfortune and fire<sup>5</sup>.

Evidently the sheriff was by reputation quite capable of oppressing the burgesses, and was therefore a man to be propitiated: accordingly we find the burgesses of Yarmouth giving him a hawk and paying him £4 *de gersuma* 'voluntarily and of friendship<sup>6</sup>'; he also received 100s. as a present (*de gersuma*) out of the revenues of Colchester<sup>7</sup>, and 110s. out of the revenues of Canterbury<sup>8</sup>.

All the evidence contained in Domesday Book concerning the relationship between the sheriff and the county and quasi-county boroughs implies that he was accountable to the king and the earl for the renders of those boroughs.

### 3. THE PRAEPOSITUS.

The extract from the Lincoln survey quoted in the last section shows that the sheriff employed officers to do his work for him; and Domesday Book introduces us to certain subordinate officials known as the *praepositi*; but whether these were the subordinates of the sheriff or not remains to be seen.

In the first place, there were more than one *praepositus* in certain boroughs: the Guildford record mentions the

<sup>1</sup> *D. B.* i. 280 a, 1.

<sup>2</sup> *Id.* 189 a, 1.

<sup>3</sup> *Id.* 75 a, 1.

<sup>4</sup> *Id.* 203 a, 1.

<sup>5</sup> *Id.* 336 b, 1.

<sup>6</sup> *D. B.* ii. 118 a.

<sup>7</sup> *Id.* ii. 107 a.

<sup>8</sup> *D. B.* i. 2 a, 1.

praepositus of the Bishop of Bayeux and also the praepositus of the king<sup>1</sup>; and we read of the praepositi of the king and earl at Chester<sup>2</sup>. But only one praepositus is mentioned at Dover<sup>3</sup>, Canterbury<sup>4</sup>, Lewes<sup>5</sup>, Wallingford<sup>6</sup> and Hereford<sup>7</sup>; and at Dover, Canterbury and Wallingford he is expressly called the king's praepositus, and the same name is given to one of the praepositi at Chester.

The praepositus collected the common fines for breaches of the peace at Dover, and there it is distinctly stated that 'the praepositus renders £54.' At Canterbury he sued the obstructors of the highways, and received the forfeitures for the use of the king, and he also collected the market-toll. At Lewes also he collected the toll, and at Guildford and Wallingford he collected the forfeitures. At Hereford it was his duty to see that the services due to the king were properly rendered by the burgesses, and he paid King Edward £12, and £6 to Earl Harold: he had on his own account (*in suo censu*) all the receipts except those from the three forfeitures, presumably so that he might be able to meet these demands. At Chester he was, as well as the earl's minister, authorized to grant the king's peace. Leofchild and Alfred, two portreeves of Bath, witnessed manumissions by Ælsig who was abbot at the time of Domesday Book<sup>8</sup>; the praepositus and whole city of Gloucester were witnesses to a deed of 1022<sup>9</sup>; the portreeves of Oxford and Canterbury were witnesses to conveyances in the reign of the Confessor<sup>10</sup>, and in a deed of exchange between the convent and the Chapman gild of Canterbury, the portreeve appears to hold the same position with regard to the gild as Archbishop Anselm (1093-1109) held with regard to the convent<sup>11</sup>. The fact that at Hereford the praepositus accounted to the king and earl for the renders shows that in that borough he held the same position as the sheriff held in the counties; yet even at Hereford it was the sheriff who led the citizens in their raids into Wales. The praepositus at Dover held

<sup>1</sup> *D. B.* i. 30 a, 1.    <sup>2</sup> *Id.* 262 b, 1.    <sup>3</sup> *Id.* 1 a, 1.    <sup>4</sup> *Id.* 2 a, 1.

<sup>5</sup> *Id.* 26 a, 1.    <sup>6</sup> *Id.* 56 a, 2.    <sup>7</sup> *Id.* 179 a, 1.    <sup>8</sup> *K.* 934 and 1531.

<sup>9</sup> *Id.* 1317.

<sup>10</sup> *Id.* 950 and 789.

<sup>11</sup> *Gross*, ii. 37.

a similar position, and it is definitely stated that he paid £24 to the king, and £30 to the earl. It must, however, be noticed that except at Canterbury, Wallingford, Torksey<sup>1</sup> and Hereford the sheriff and the praepositus are never mentioned in connexion with the same borough. The earliest Gloucester rental also speaks of the sheriff and praepositus as both receiving certain sums out of the city<sup>2</sup>.

A comparison of the functions of the sheriff in the county boroughs with the duties of the praepositus at Dover and the other places just mentioned shows that the latter were all menial duties, such as would naturally be performed by the sheriff's subordinates; and since at Canterbury we find that the sheriff appropriated 110s. out of the renders, and the praepositus collected them, it may be suggested that the latter was the subordinate officer of the sheriff, and was not accountable to the king and earl, except at Hereford and Dover. This suggestion is supported by a consideration of the large number of county boroughs<sup>3</sup> in connexion with which the sheriff alone is mentioned or implied, with the small number of those in which the praepositus alone is mentioned<sup>4</sup>.

#### 4. SAC AND SOC.

The survey of Canterbury begins with the statement that 'King Edward had 51 burgesses rendering gablum, and 212 over whom he had sac and soc<sup>5</sup>.' We shall see that gablum means rent; but what is the meaning of 'sac and soc'?

<sup>1</sup> *D. B. i. 337 a, 1.*

<sup>2</sup> Gloucester Rental (Stevenson), xv.

<sup>3</sup> Dorchester, *D. B. i. 75 a, 1*; Bridport, *Id. 75 a, 1*; Shaftesbury, *Id. 75 a, 1*; Exeter, *Id. 100 a, 1*; Hertford, *Id. 132 a, 1*; Cambridge, *Id. 189 a, 1*; Huntingdon, *Id. 203 a, 1*; Winchcombe, *Id. 162 b, 1*; Worcester, *Id. 172 a, 1*; Droitwich, *Id. 172 a, 2*; Warwick, *Id. 238 a, 1*; Leicester, *Id. 230 a, 1*; Northampton, *Id. 219 a, 1*; Shrewsbury, *Id. 252 a, 1*; York, *Id. 298 a, 1*; Lincoln, *Id. 336 b, 1*; Colchester, *D. B. ii. 107 a*; Yarmouth, *Id. ii. 118 a*; Norwich, *Id. ii. 117 b*.

<sup>4</sup> Dover, *D. B. i. 1 a, 1*; Lewes, *Id. 26 a, 1*; Chester, *Id. 262 b, 1*; Guildford, *Id. 30 a, 1*; Torksey, *Id. 337 a, 1*. See App. § 2.

<sup>5</sup> *D. B. i. 2 a, 1.*



Let us turn to three other boroughs :

**SOUTHWARK.** The men of Southwark testify that . . . if any one in the act of committing an offence was there accused, he amended to the King. But if he was not there accused and departed into the house of a man who had sac and soc, the latter had the amends of the culprit<sup>1</sup>.

**GUILDFORD.** Ralph has 3 haws where remain 6 men whence he has sac and soc. If his man in the town commits an offence and escapes, after being attached, the King's praepositus has nothing : but if he is accused and attached there, the King has the amends<sup>2</sup>.

**WALLINGFORD.** Ælmer the priest (and others) have gablum from their own houses : if any one shed blood there and was captured before he was accused by the King's praepositus (except on Saturday because that was the market day when the King had the forfeiture), and of larceny and adultery in their own houses, they had the forfeitures ; but the other forfeitures went to the King<sup>3</sup>.

So that it is clear that the man who had sac and soc over a house had the forfeitures of those who dwelt therein or committed offences therein. Hence we can understand the position of the nineteen burgesses of Warwick who had nineteen masures with sac and soc<sup>4</sup>, and of the seven minters of Hereford who had sac and soc<sup>5</sup>. It appears from the Leicester<sup>6</sup> and Stafford<sup>7</sup> surveys that the lords of the contributed houses in a borough had sac and soc over those houses as well as the rent arising from them ; this is also shown by the description of Wallingford, where we read—

Bishop Walchelin has 27 haws of 25s. which are valued in Brightwell<sup>8</sup>.

Turning to Brightwell, we read—

Of the pleas of the land in Wallingford there pertain to this manor 25s.<sup>9</sup> :

showing that the haws in the town produced what may be termed profits of justice. The king had the soc of nine of the thirty-seven houses belonging to the Earl of Mortain at Northampton<sup>10</sup> : why should this statement be made if the earl had not the soc of the other houses ? Possibly these nine

<sup>1</sup> *D. B.* i. 32a, 1.

<sup>2</sup> *Id.* 30a, 1.

<sup>3</sup> *Id.* 56b, 1.

<sup>4</sup> *Id.* 238a, 1.

<sup>5</sup> *Id.* 179a, 1.

<sup>6</sup> *Id.* 230a, 1.

<sup>7</sup> *Id.* 246a, 1.

<sup>8</sup> *Id.* 56a, 2.

<sup>9</sup> *Id.* 58a, 2.

<sup>10</sup> *Id.* 219a, 1.

houses were originally part of the king's demesne, and had been granted to the earl, as it has been suggested were some of the 110 houses of Hugh of Grentmesnil at Leicester<sup>1</sup>.

At Norwich Archbishop Stigand had the sac and soc and commendation of fifty burgesses, and Harold of thirty-eight<sup>2</sup>; but Stigand had the soc of the half-hundred of Hersham with some exceptions<sup>3</sup>; so that it may conversely be argued that these fifty burgesses were contributed by Stigand for the defence of the city. The twenty-one burgesses of Romney contributed by Langport had all their forfeitures except larceny (*latrocinium*), peace-breach (*pacem infractam*) and forestel, and so apparently had sac and soc in their houses<sup>4</sup>. The lawmen at Stamford had 'sac and soc within their own houses and over their own men, except geld and heriot, and the forfeitures of their own bodies of forty ores of silver, and larceny (*latrocinium*)<sup>5</sup>.' As in latter years it was a maxim that no man could have his own forfeiture these apparent exceptions to their sac and soc can be easily understood.

The sokemen at Stamford 'who sought lords where they would' must be compared with the burgesses at Thetford:

In the borough were 943 burgesses T. R. E. of whom the King had all custom. Of these men, 36 were so dominical of King Edward that they could not be whose men they wished without the King's licence. All the others could be the men of any one they wished, yet all custom remained to the King except heriot<sup>6</sup>.

#### At Ipswich

Robert had T. R. E. 41 burgesses with sac and soc and commendation, and the King had the other customs. 15 of these are dead. He has lost the commendation but had the sac and soc, and of the others likewise; but the King has all customs<sup>7</sup>.

At Norwich T. R. E. there was also 'one burgess so

<sup>1</sup> But a general conclusion that the contributory lords had sac and soc over their houses is contradicted by the Gloucester Rental (1096-1101), where, after a list of magnates possessing burgesses in the city, it is stated 'and over all these, the King has sac and soc.' Rental of Gloucester (Stevenson), xv.

<sup>2</sup> *D. B.* ii. 116 a.

<sup>3</sup> *D. B.* and *B.* 93.

<sup>4</sup> *D. B.* i. 46, 1.

<sup>5</sup> *Id.* 336 b, 2.

<sup>6</sup> *D. B.* ii. 119 a.

<sup>7</sup> *Id.* ii. 403 b.

dominical of the king that he could not recede nor pay homage without his licence<sup>1</sup>.

It is evident that the sokemen of Stamford and the majority of the burgesses of Thetford could commend themselves to whatever lord they wished, in the same manner as the forty-one burgesses at Ipswich had commended themselves to Robert; it is possible that at Canterbury<sup>2</sup> and Dover<sup>3</sup> we see the effects of a case of commendation; Ralph of Columbels had seized certain houses and lands at Canterbury, 'and for all these he invokes the Bishop of Bayeux as protector'; and similarly certain house-owners at Dover invoked the same bishop as protector. If these be cases of commendation, the result would be that the bishop became the guarantor of Ralph's title.

From all these considerations it is clear that it was not for every offence that the fines and forfeitures went to the king; the contributory lords and the owners of sac and soc had immunities, and took the fines and forfeitures for some offences from their tenants; but it is expressly stated in the Shrewsbury survey that throughout England the three forfeitures—peace-breach, forestel and heinfare—belonged to the king<sup>4</sup>.

It must not, however, be supposed that each owner of sac and soc held a separate court for his own tenants: the extracts from the surveys of Guildford, Southwark and Wallingford suggest that the penalties had to be claimed, possibly from the court where justice was administered—in the same way as to-day the clerk to the guardians has to apply to the city justices, for the payment to the overseers of the parish where the offence has been committed, of half the fine under the Betting and Gaming Houses Acts, for the relief of the poor-rates of that parish<sup>5</sup>.

One more point remains to be noticed: the burgesses of Dover bargained with King Edward 'that they might have sac and soc'; and later it is said that the king's *praepositus* collected certain forfeitures for the king<sup>6</sup>. So it would

<sup>1</sup> *D. B.* ii. 116a.

<sup>2</sup> *D. B.* i. 2a, 1.

<sup>3</sup> *Id.* 1a, 1.

<sup>4</sup> *Id.* 252a, 1.

<sup>5</sup> 16 and 17 Vict. c. 134; 17 and 18 Vict. c. 38.

<sup>6</sup> *D. B.* i. 1a, 1.



appear that the burgesses had individually sac and soc in their own houses only, like the burgesses of Romney, and that the whole body of burgesses did not have jurisdiction over the whole borough.

### 5. THE LAWMEN. THE BOROUGH COURT.

IF it were not that the lawmen of Domesday Book have been regarded as the nucleus of a corporation and of a governing body<sup>1</sup> it would be unnecessary to consider them except in connexion with the preceding section. They are mentioned in connexion with three boroughs only—Cambridge<sup>2</sup>, Stamford<sup>3</sup> and Lincoln<sup>4</sup>: the only evidence of their existence at Cambridge is the statement of the heriots paid by their estates; but the Lincoln and Stamford surveys are much fuller, and must be quoted in full:

**LINCOLN.** In the same city were 12 Lawmen, that is, having sac and soc. (1) Hardecnut; (2) Suartinc fitz Gribold; (3) Ulf fitz Swertebrand who had thol and team; (4) Walraven; (5) Alwold; (6) Brictric; (7) Guret; (8) Ulbert; (9) Godric fitz Edith; (10) Siward the priest; (11) Lewin the priest; (12) Aldene the priest.

Now there are the same number having sac and soc likewise; (1) Suardinc in the place of Hardecnut his father; (2) Suartinc; (3) Sortebrand in the place of Ulf his father; (4) Algemund in the place of Walraven his father; (5) Alwold; (6) Godwin son of Brictric; (7) Norman the fat in the place of Guret; (8) Ulbert the brother of Ulf still lives; (9) Peter of Valonges in the place of Godric fitz Edith; (10) Ulnod the priest in the place of Siward the priest; (11) Buruolt in the place of his father Lewin who is now a monk; (12) Lewin fitz Revenc in the place of Aldene the priest.

**STAMFORD.** In Stamford T. R. E. there were 12 Lawmen who had sac and soc within their own houses and over their own men, except geld and heriot and forfeitures of their own bodies of 40 ores of silver and larceny. Now they have the same but there are only nine; of these one has 17 houses under him and half a mill of 15s.; the second has 14 houses, one of which is waste; the third 2; the fourth 2½; the fifth 5; the sixth 4; the seventh 3; the eighth 1; the ninth 3; Hugh Musard has taken 2 away from him.

It will at once be noticed that at Lincoln the word is defined to mean 'having sac and soc'; so that the lawmen

<sup>1</sup> *Sel. Charters*, 86.

<sup>2</sup> *D. B.* i. 189 a, 1.

<sup>3</sup> *Id.* 336 b, 2.

<sup>4</sup> *Id.* 336 a, 1.

must be compared with the burgesses having sac and soc in other boroughs; for instance, with the burgesses of Wallingford<sup>1</sup> and Warwick<sup>2</sup>, and with the minters of Hereford<sup>3</sup> who had sac and soc. We are told nothing of the area over which the lawmen of Lincoln exercised their privilege, but at Stamford the number of houses in the soc of each lawman is given, and a simple addition sum shows that the nine lawmen had sac and soc over fifty-one and a half houses: but there were then  $333\frac{1}{2}$  houses in the five wards of the borough that were in Lincolnshire, so that the lawmen had sac and soc over less than one-sixth of the borough. With regard to the Lincoln record it is noteworthy that Peter of Valonges, who succeeded to the position of lawman in the city formerly held by Godric, also succeeded to his rural property at Burton<sup>4</sup>—so that his sac and soc in the city may have been exercised over the houses which were appurtenant to Burton, in the same way as Robert of Stafford had sac and soc over his houses in Stafford which were appurtenant to Bradley<sup>5</sup>: but no connexion can be traced between the other lawmanships and any rural property in the shire.

The lawmen of Lincoln disappear after Domesday Book; the burgesses took the city at a fee farm rent from Henry I<sup>6</sup>, and no mention of the lawmen can be found then or in any royal charter of later date; but in the Hundred Rolls of 1275 is found a very important reference to the lawmen of Stamford. The jurors then swore

That there are 12 men in Stamford who are called Lawmen, because their ancestors were in ancient time judges of the laws (*iudices legum*) in the same vill, who hold of our Lord the King in capite, but they know not by what service, but they so held from the time of the conquest, but it may be inquired by Domesday<sup>7</sup>.

This document would lead us to suppose that the lawmen of Stamford were legal assessors at the court where the law was administered, who, as a reward for their services, had sac and soc over their own houses.

<sup>1</sup> *D. B.* i. 56 a, 2.    <sup>2</sup> *Id.* 238 a, 1.    <sup>3</sup> *Id.* 179 a, 1.    <sup>4</sup> *Id.* 368 b, 2.  
<sup>5</sup> *Id.* 246 a, 1.    <sup>6</sup> Stubbs, *Const. Hist.* i. 411.    <sup>7</sup> *Hundred Rolls*, i. 354.

Possibly the lawmen of Lincoln and Stamford should be compared with the judges of York and Chester.

YORK. In these houses no one else had any custom unless as a burgess, except Merlesawegen in one house which is below the Castle, the canons wherever they dwelt, and the four judges to whom the King gave this gift for their lives<sup>1</sup>.

CHESTER. Then (T. R. E.) there were 12 judges of the City and these were of the men of the King and Bishop and Earl; if any one of them was absent from the hundred on the day it sat without manifest excuse he amended in 10s. between the King and the Earl<sup>2</sup>.

But the latter extract must be compared with the survey of Dunwich, where the custom was that two or three men go to the hundred if they are summoned, and if they do not they forfeit two ores<sup>3</sup>. Again, at Hereford, 'He who had a horse went with the sheriff thrice in the year to pleas and to the hundred at Urmer-lavia<sup>4</sup>.' It is perfectly clear that the hundred courts which were attended by the burgesses at Hereford and Dunwich were not held within those boroughs, and the Chester survey will bear the interpretation that the judges had to attend a hundred court without the city. And it is not impossible that the Stamford court which the lawmen attended was a court held for the hundred, even though it was held in the town.

It is well known from the Anglo-Saxon laws that in most boroughs there was a borough court, but of its nature little is known; in that little, however, there is nothing to lead us to suppose that its existence excluded the jurisdiction of the hundred court, otherwise we should not find so many charters of later date granting that the burgesses should not be impleaded without the borough: one of the earliest examples of such a charter is that of Henry II to Oxford, which was attested by Thomas [Becket] the chancellor, and therefore cannot be later than 1162<sup>5</sup>.

It must be remembered in this connexion that the court of the Bishop of Winchester at Taunton was a court for all his men, and not for the borough exclusively<sup>6</sup>.

<sup>1</sup> *D. B.* i. 298 a, 1.

<sup>2</sup> *Id.* 262 b, 1.

<sup>3</sup> *D. B.* ii. 312 b.

<sup>4</sup> *D. B.* i. 179 a, 1.

<sup>5</sup> *Sel. Charters*, 167.

<sup>6</sup> *D. B.* i. 87 b, 1.



Closely connected with the question of the borough court are the wards of the borough; and Domesday Book shows only four boroughs divided into wards: Cambridge was assessed as one hundred, and was divided into ten wards (*custodias*)<sup>1</sup>—and thus the theory has arisen that the typical borough of the eleventh century was a hundred of itself, and like the rural hundreds was divided into ten tithings; but the other evidence does not favour this theory. Shrewsbury and Oxford<sup>2</sup> were the only other boroughs assessed for a hundred each, but Domesday Book says nothing of any wards in them. Huntingdon was assessed at fifty hides and divided into four ferlings<sup>3</sup>; Stamford was assessed at 150 hides, and divided into six wards, five in Lincolnshire and the sixth in Northamptonshire<sup>4</sup>; and York was divided into seven shires, one of which was the archbishop's<sup>5</sup>. But of the internal organization of these wards we have no information, save that, at York, the archbishop had the full custom from his shire, and the third penny of one of the king's shires. Similarly, the Abbot of Peterborough had the gablum and toll of the sixth ward of Stamford, which lay in Northamptonshire; but the other customs went to the king.

## 6. THE BURGESSES.

To say that all the inhabitants of a borough at the time of Domesday Book were burgesses would be no more accurate than a similar statement to-day; but in nine only of the county and quasi-county boroughs do we read of inhabitants who were not described as burgesses. The Norwich evidence would appear to indicate that the difference between burgesses and non-burgesses lay in the fact that the former paid geld and the latter did not do so: in that city there were at the time of Domesday Book '665 English burgesses who pay custom and 480 bordars who on account of poverty pay no custom<sup>6</sup>. From the Ipswich record it appears that, however small the contribution might be, those who paid were never-

<sup>1</sup> *D. B.* i. 189 a, 1.

<sup>2</sup> See p. 65.

<sup>3</sup> *D. B.* i. 203 a, 1.

<sup>4</sup> *Id.* 336 b, 2.

<sup>5</sup> *Id.* 298 a, 1.

<sup>6</sup> *D. B.* ii. 116 b.

theless burgesses; here there were '110 burgesses paying custom and 100 poor burgesses who cannot pay to the King's geld except one penny for their own poll<sup>1</sup>.' But on the other hand, at Thetford, Roger Bigot had twenty bordars of whom the king had nothing but scot for their own polls<sup>2</sup>; however, these bordars are distinguished from Roger's men in the borough, and probably resided in the rural part of the hundred of Thetford; and therefore this entry cannot be considered as evidence against the distinction we drew from the Norwich record. Again, there were 100 bordars at Huntingdon who were under the burgesses, and aided them in the payment of their geld<sup>3</sup>; but these were tenants of the burgesses, and it would seem as if their payments were made not to the collectors of the geld, but to the individual burgesses, and were by them applied in the payment of their own shares.

Further evidence that inability to pay geld resulted in the loss of burgher rights is found at Norwich and Hereford:

Of the burgesses who dwelt in the borough of Norwich, 22 have gone away and dwell in Beccles, a vill of the Abbot of St. Edmund, 6 are in Hamilgar hundred and resigned their burgher rights (*dimiserunt burgum*), one in Thorp Regis, one with Roger Bigot, one under William of Noies, one under Richard of Sent, a clerk. Those flying and others remaining were entirely destroyed, partly on account of the forfeitures to the King and Earl, partly on account of fire, partly on account of the King's geld and partly through Waleran<sup>4</sup>.

#### At Hereford

If any one through poverty could not perform his due service, he abandoned his house without payment to the *praepositus*, who took care that the house did not remain vacant and that the King did not lose his service<sup>5</sup>.

Probably the Lewes penalty on the recaptured fugitive refers to the burgess who had fled the borough with a view of escaping his geld<sup>6</sup>. The Dover evidence shows that the privilege of freedom from toll throughout the realm was conferred only on those who were qualified by residence in that

<sup>1</sup> *D. B.* ii. 290 *b*.

<sup>2</sup> *Id.* ii. 173 *a*.

<sup>3</sup> *D. B.* i. 203 *a*, 1.

<sup>4</sup> *D. B.* ii. 117.

<sup>5</sup> *D. B.* i. 179 *a*, 1.

<sup>6</sup> *Id.* 26 *a*, 1.

borough and by the payment of custom<sup>1</sup>; and it was the residents at Wallingford who were liable for carrying services<sup>2</sup>. The mention of the nine cottagers at Malmesbury who lived outside the borough and gelded with the burgesses<sup>3</sup> may indicate that non-residence resulted in the loss of burgher rights; but on the other hand there were nine non-resident burgesses at Barnstaple<sup>4</sup>, forty-one at Lidford<sup>5</sup> and fifteen at Totnes<sup>6</sup>, the last named being expressly stated to be cultivating the land. Bordars are also mentioned at Buckingham<sup>7</sup>, Hastings<sup>8</sup>, Maldon<sup>9</sup>, Nottingham<sup>10</sup>, Southwark<sup>11</sup> and Wareham<sup>12</sup>, and villains at Buckingham<sup>7</sup>, Droitwich<sup>13</sup> and Nottingham<sup>10</sup>, but at Buckingham, Maldon and Nottingham all these non-burgesses are distinctly connected with the agricultural land comprised in the borough assessment.

It might be suggested that the occupation of a house in a borough at a fixed money rent, i. e. a burgage tenement, conferred burgher rights; certainly, with a very few exceptions, all the houses in a borough were let at fixed money rents, but the rent of the bordar's house at Southwark was 12*d.*<sup>11</sup>—higher than the rent of many of the masures and haws in that borough. And there is plenty of evidence that in many places two or more burgesses occupied the same house: at Guildford 'King William has seventy-five haws in which are 175 men<sup>14</sup>'; at Chichester 'T.R.E. there were ninety-seven and a half haws; now . . . there are in the same masures sixty more houses (*domus*) than before<sup>15</sup>'; at Huntingdon 140 burgesses had eighty haws<sup>16</sup>; at Shaftesbury the abbess had 151 burgesses in 111 houses<sup>17</sup>; and at Hereford there were burgesses who had less than a whole masure<sup>18</sup>. On the other hand, at Colchester, 276 burgesses had 355 houses<sup>19</sup>—so that there were some houses that did not confer burgher rights. And on the whole evidence it would appear better to define the burgesses as residents in a borough who paid their shares

<sup>1</sup> *D. B.* i. 1 *a*, 1.<sup>2</sup> *Id.* 56 *a*, 2.<sup>3</sup> *Id.* 64 *b*, 1.<sup>4</sup> *Id.* 100 *a*, 2.<sup>5</sup> *Id.* 100 *a*, 2.<sup>6</sup> *Id.* 108 *b*, 1.<sup>7</sup> *Id.* 143 *a*, 1.<sup>8</sup> *Id.* 17 *a*, 1.<sup>9</sup> *D. B.* ii. 75 *a*.<sup>10</sup> *D. B.* i. 280 *a*, 1.<sup>11</sup> *Id.* 32 *a*, 2.<sup>12</sup> *Id.* 80 *b*, 2.<sup>13</sup> *Id.* 176 *a*, 2.<sup>14</sup> *Id.* 30 *a*, 1.<sup>15</sup> *Id.* 23 *a*, 1.<sup>16</sup> *Id.* 203 *a*, 1.<sup>17</sup> *Id.* 75 *a*, 1.<sup>18</sup> *Id.* 179 *a*, 1.<sup>19</sup> *D. B.* ii. 106, &c.



of the geld and other taxes and performed their shares of the services rendered by the townsmen. For evidence on this last point consult the Maldon record, where Guner held of Suen half a hide, 'which aided with the other burgesses in finding a horse on expeditions and providing a ship<sup>1</sup>'. And the eighty-four carucates at York that assisted in paying the city geld were associated with the citizens in the three works, i.e. *fyrd*, *brig-bot* and *burh-bot*<sup>2</sup>.

We are accustomed to think of a burgess as being of necessity a free man, but we read of one at Ipswich who is expressly stated to be a slave (*servus*)<sup>3</sup>. It would seem from indications at Colchester<sup>4</sup>, Oxford<sup>5</sup> and Norwich<sup>6</sup> that women could be burgesses.

Naturally Domesday Book tells much of the burdens of the burgesses, but it says very little of their privileges, except that the residents of Dover were quit of toll throughout England<sup>7</sup>. Except in a few cases their money rent appears to have exempted them from agricultural work on the demesne farm of the manor to which they pertained. At Droitwich the thirteen burgesses contributed by Wicelbold worked for two days in August and March, and served the court<sup>8</sup>; at Tamworth the burgesses contributed by Drayton worked 'as the other villains of the manor<sup>9</sup>'; at Shrewsbury the church of St. Juliana had three burgesses working on the land<sup>10</sup>; and at Gloucester the burgesses pertaining to Tewkesbury served the court T. R. E.<sup>11</sup> Possibly the phrase 'served the court' (*servientes curiam*) is equivalent to the expression 'worked at the court' (*operabantur ad curiam*) used of the burgesses of Steyning<sup>12</sup>—and if so it would imply that they performed agricultural services on the demesne farm. We shall refer to the house-rents in kind which were rendered by some of the burgesses; to that list we may add the house at Worcester which rendered two ploughshares to the manor of Halesowen<sup>13</sup>, and the four burgesses of Hereford who

<sup>1</sup> *D. B.* ii. 48 a.<sup>2</sup> *D. B.* i. 298 a, 2.<sup>3</sup> *D. B.* ii. 392 b.<sup>4</sup> *V. H. Essex*, 417.<sup>5</sup> *D. B.* i. 154 a, 1.<sup>6</sup> *D. B.* ii. 116 a.<sup>7</sup> *D. B.* i. 1 a, 1.<sup>8</sup> *Id.* 176 b, 2.<sup>9</sup> *Id.* 246 b, 2.<sup>10</sup> *Id.* 253 a, 1.<sup>11</sup> *Id.* 163 a, 2.<sup>12</sup> *Id.* 17 a, 2.<sup>13</sup> *Id.* 180 b, 1.

rendered eighteen ploughshares to the manor of Merchelai<sup>1</sup>; while the hunting services of the citizens of Hereford and Shrewsbury<sup>2</sup> must be compared with the similar services rendered by the villains on the rural estates of the Bishop of Durham<sup>3</sup>.

The burgesses of Hereford and Torksey were at liberty to sell their houses; the licence of the *praepositus* was necessary for the sale at Hereford<sup>4</sup>, but no such licence was required at Torksey, where 'if any of the burgesses wished to depart elsewhere, and to sell his house, he could do so without the licence and knowledge of the *praepositus* if he wished<sup>5</sup>.' But at Lincoln the relatives of the vendor had a right of pre-emption. 'But all the burgesses of Lincoln say . . . that no one was at liberty to give his property to any person without the city, and not of his family, without the King's grant<sup>6</sup>.'

Although Domesday Book tells us little about the privileges of the burgesses, we find that some were more privileged than others, and that they can be distinguished into four classes.

1. The most privileged burgesses appear to have been those who had *sac* and *soc* over their own houses and all customs, of whom there were nineteen at Warwick<sup>7</sup>; similarly at Wallingford there were thirteen who had *gablum* and three forfeitures from their own houses<sup>8</sup>; and at Romney there were a number who had all customs and forfeitures (except the three forfeitures) for their sea-service<sup>9</sup>. Along with these we must class the lawmen of Stamford<sup>10</sup> who had *sac* and *soc* in their own houses and over their own men, but from whom the king had (1) *geld*, (2) *heriot*, (3) forfeitures of their own bodies, and (4) robbery. Possibly the thirty-four owners of non-'mural mansions' at Oxford<sup>11</sup> may also have belonged to this class, but of their *sac* and *soc* there is no record.

2. Then there were those 'who could seek lords where they would,' of whom there were at Stamford seventy-seven, called *sokemen*<sup>12</sup>: but even though they commended themselves to

<sup>1</sup> *D. B.* i. 179 *b*, 2.    <sup>2</sup> *Id.* 179 *a*, 1; 252 *a*, 1.    <sup>3</sup> *Eng. Vill. Comm.* 71.

<sup>4</sup> *D. B.* i. 179 *a*, 1.    <sup>5</sup> *Id.* 337 *a*, 1.

<sup>6</sup> *Id.* 336 *a*, 2.

<sup>7</sup> *Id.* 238 *a*, 1.

<sup>8</sup> *Id.* 56 *b*, 1.

<sup>9</sup> *Id.* 4 *b*, 1.

<sup>10</sup> *Id.* 336 *b*, 2.

<sup>11</sup> *Id.* 154 *a*.

<sup>12</sup> *Id.* 336 *b*, 2.

other lords, their forfeitures and heriot remained to the king ; those burgesses of Thetford<sup>1</sup>, who could seek lords where they would, transferred only their heriot by commendation. That commendation did not necessarily withdraw all customs from the king is also shown at Ipswich, where Robert Malet had one burgess with commendation, but the king had his customs<sup>2</sup>. Some less privileged members of this class were those burgesses of Thetford<sup>3</sup> and Norwich<sup>4</sup>, who, although they could seek lords where they would, were yet so dominical of the king that they could not recede nor render homage without his licence.

3. The third class is scarcely distinguishable from the fourth, but a distinction appears to be drawn at Canterbury between those burgesses who paid gablum to the king and those over whom he had sac and soc ; and another entry in the same survey also shows that the gablum might be paid to one person and the sac and soc vested in another ; for the burgesses had gablum and custom from forty-five masures without the city, while the king had sac and soc over these masures<sup>5</sup>.

4. Finally, the least privileged burgesses were those who rendered all customs either to the king or the lords ; these are mentioned in almost every borough, but, as reference has been made to the lawmen and sokemen of Stamford, it may be pointed out that there were there<sup>6</sup> 141 burgesses who rendered all customs to the king ; but, as will be seen later, it was the general rule that geld was due to the king from all the burgesses or from all the houses in a borough, whether they belonged to the king or the lords, although frequently this payment was evaded.

Possibly the first two of these classes may represent the original free settlers on the site of the borough, who had retained some signs of their freedom.

There are only two references in Domesday Book to the gilds, which play such a prominent part in later municipal history : the gildhall of the burgesses of Dover is casually mentioned as one of the houses of which William fitz Geoffrey

<sup>1</sup> *D. B.* ii. 118 b.

<sup>2</sup> *Id.* ii. 304 b.

<sup>3</sup> *Id.* ii. 118 b.

<sup>4</sup> *Id.* ii. 116 a.

<sup>5</sup> *D. B.* i. 2 a, 1.

<sup>6</sup> *Id.* 336 b, 2.



detained the custom from the king<sup>1</sup>; but the burgesses of Canterbury had 'of the king (the survey in St. Augustine's cartulary says "of the gift of the king") thirty-three acres of land in their gild<sup>2</sup>': with this latter entry we should compare an entry on another page, 'In the City of Canterbury, the Archbishop has twelve burgesses, and thirty-two measures which the clergy of the vill hold in their gild<sup>3</sup>.' But of the nature of these gilds Domesday Book affords us no information; we know, however, that within twenty years of Domesday Book there was a chapman's gild—a merchant gild—at Canterbury<sup>4</sup>, and the survey in the cartulary of St. Augustine mentions a payment from the drapers and shoemakers of Canterbury<sup>5</sup>, which may perhaps be a payment from a gild.

But what were the occupations of the burgesses? If Domesday Book affords us little positive information on this point, it certainly gives us not a little negative evidence. The distinction at Nottingham between 'merchants' houses' and 'knights' houses' has already been quoted to show that certain of the burgesses at Nottingham were military men<sup>6</sup>; it may also be quoted to show that others were engaged in trade; similarly, we find in the simple borough of Totbury 'forty-two men living from their own merchandise only<sup>7</sup>,' and there were 'ten merchants dwelling before the Church' at Abingdon<sup>8</sup>; but the latter place was not called a borough in Domesday Book.

The absence of reference to traders in other boroughs than those mentioned must not, however, lead us to suppose that the majority of the burgesses were agriculturists, even on a small scale: at Colchester, where appears to have been the largest area of land in the occupation of the burgesses, 276 burgesses occupied 1,296 acres between them<sup>9</sup>—and so the average holding was only about five acres. At Buckingham the twenty-six burgesses on the king's demesne held eight carucates<sup>10</sup>, but the twenty-six burgesses belonging to the

<sup>1</sup> *D. B.* i. 1 a, 1.

<sup>2</sup> *Id.* 2 a, 1.

<sup>3</sup> *Id.* 3 a, 1.

<sup>4</sup> Gross, *Gild Merchant*, ii. 37.      <sup>5</sup> Larking, *Domesday of Kent*, p. 34\*.

<sup>6</sup> p. 34.

<sup>7</sup> *D. B.* i. 248 b, 1.

<sup>8</sup> *Id.* 58 b, 1.

<sup>9</sup> *D. B.* ii. 104-6; *V. H.*, Essex, p. 417.

<sup>10</sup> *D. B.* i. 143 a, 1.

lords had no land; at Derby forty-one burgesses held twelve carucates<sup>1</sup>, at Nottingham thirty-eight burgesses held six carucates<sup>2</sup>, and at Thetford twenty-one burgesses held six carucates and sixty acres<sup>3</sup>; but the other burgesses in each of these boroughs are not recorded as holding any land. At Maldon fifteen burgesses held half a hide and twenty-one acres between them, but the other 165 burgesses are distinctly stated to have occupied no more than their own houses<sup>4</sup>. At Ipswich 538 burgesses had forty acres of land<sup>5</sup>, and at Norwich 1,238 burgesses had eighty acres of land and twenty and a half acres of meadow, of which thirty-two were occupied by the sister of Stigand<sup>6</sup>. At Fordwich six burgesses held twenty-four acres<sup>7</sup>, and at Southampton two burgesses held sixteen and eighteen acres respectively<sup>8</sup>. In some other boroughs there were lands occupied by the burgesses, but the number of occupiers is not stated; the lands of the burgesses of Canterbury and Exeter will be referred to in connexion with the borough property; at Huntingdon there were two hides and forty acres of land, and twenty acres of meadow<sup>9</sup> 'which the burgesses cultivate and hire from the ministers of the king and earl,' but there were 256 burgesses at Huntingdon; at Stamford 'the lawmen and burgesses have 272 acres quit of custom'<sup>10</sup>, but there were nine lawmen and about 300 burgesses.

These figures show that it was only a minority of burgesses in a minority of boroughs—Buckingham, Derby, Nottingham and Thetford—who can reasonably be considered to have been cultivators of a virgate or more; as far as can be ascertained the vast majority of the burgesses were landless men, and therefore they must have had to earn their living by trade or handicraft. The prominent artisan is the smith, for we have already seen a number of cases where the rent of a house was satisfied by the gift of ploughshares; one of the two persons contributed by Quennington to Gloucester is stated to be a smith<sup>11</sup>. But we have other indications of manufactures: the large proportion of the render of Gloucester,

<sup>1</sup> *D. B. i.* 280 a, 2.    <sup>2</sup> *Id.* 280 a, 1.    <sup>3</sup> *D. B. ii.* 119 a.    <sup>4</sup> *Id.* ii. 5 b.

<sup>5</sup> *Id.* ii. 290.    <sup>6</sup> *Id.* ii. 116 a.    <sup>7</sup> *D. B. i.* 12 a, 2.    <sup>8</sup> *Id.* 52 a, 1.

<sup>9</sup> *Id.* 203 a, 2.

<sup>10</sup> *Id.* 336 b, 2.

<sup>11</sup> *Id.* 167 b, 2.



which consisted of iron, may indicate iron factories in that city<sup>1</sup>; and mention is made of the salt-works and lead furnaces at Droitwich<sup>2</sup>; and similarly the renders of herrings at Dunwich<sup>3</sup> and Sandwich<sup>4</sup> may show the existence of fishing industries in those boroughs; the inhabitants of Yarmouth contributed by Gorleston<sup>5</sup> are expressly styled 'fishermen.' The St. Augustine's survey of Canterbury<sup>6</sup> mentions the shoemakers, drapers and swineherds of that city, but apart from these hints and deductions we have no information of the occupation of the burgesses.

It has been suggested that the presence in the boroughs of contributed artisans—the smith at Gloucester and the fishermen at Yarmouth—is evidence against the 'garrison' theory, and that they must be regarded rather as villagers who, on payment of a head-tax to the lord of their original village, were allowed to live in the boroughs, in the same way as, Mackenzie Wallace tells us, Russian villagers are to-day allowed to migrate into the towns, but still belong and pay their dues to their native villages. But when it is remembered that it is not suggested that these contributed burgesses were professional soldiers as are the garrisons of to-day, but that they were merely liable to repair the walls 'when need be,' it is obvious that they would have plenty of spare time in which to follow their trades.

Another point that must be answered by those who contend that the contributed burgesses were merely traders or artisans who had emigrated from their native villages, is the question why, except in the border towns Oxford, Wallingford and Tamworth, they always remained within the boundaries of their native counties. Domesday Book shows that only Kentish villages contributed to Canterbury and Rochester, only Hampshire villages to Winchester, and only Gloucester villages to Gloucester, Winchcombe and Bristol. Will any one assert that only men from Middlesex, Surrey and Essex inhabited London<sup>7</sup>?

<sup>1</sup> *D. B.* i. 162 a, 1.

<sup>2</sup> *Id.* 172 a, 2.

<sup>3</sup> *D. B.* ii. 311 b.

<sup>4</sup> *D. B.* i. 3 a, 1.

<sup>5</sup> *D. B.* ii. 283 a.

<sup>6</sup> Larking, *Domesday of Kent*, p. 34\*.

<sup>7</sup> Ante, p. 18.



## CHAPTER IV

### THE FINANCIAL ORGANIZATION OF THE COMPOSITE BOROUGHES

#### I. THE CUSTOMS.

IN studying the valuations of the boroughs in Domesday Book we cannot help noticing the frequency with which the word 'customs' is used: we read of houses rendering all customs at Cambridge<sup>1</sup>, Huntingdon<sup>2</sup>, Hertford<sup>3</sup> and many other places, and of houses withholding their customs at Hertford and other places. The word was apparently used as a generic term for all the dues arising from the houses or the occupiers thereof: at Stamford<sup>4</sup> and Hertford<sup>5</sup> certain houses rendered all customs except king's geld; at Lincoln<sup>6</sup> other houses rendered all customs except 'monedagium'; and at Wallingford<sup>7</sup>, after the statement that T. R. E. the burgesses rendered £11 de gablo and certain carrying services, the record goes on to say—'Now all customs as before,' showing that the gablum was regarded as forming part of the customs. Again, at Gloucester<sup>8</sup> certain houses are stated to render gablum but to withhold their other customs. On the other hand, at Cambridge<sup>1</sup> the respective amounts of the customs and the landgable are stated separately; but this separation is no evidence against our previous contention. At Colchester<sup>9</sup> and other boroughs in East Anglia are statements that certain burgesses do not render custom except poll tax (*de suis capitibus*); but this poll tax is found only in East Anglia, and at Ipswich<sup>9</sup> it is treated as a payment of the poorer burgesses towards the

<sup>1</sup> *D. B.* i. 189 a, 1.

<sup>2</sup> *Id.* 203 a, 1.

<sup>3</sup> *Id.* 132 a, 1.

<sup>4</sup> *Id.* 336 b, 2.

<sup>5</sup> *Id.* 336 b, 1.

<sup>6</sup> *Id.* 56 a, 2.

<sup>7</sup> *Id.* 162 a, 1.

<sup>8</sup> *D. B.* ii. 106 b.

<sup>9</sup> *Id.* ii. 290 a.

king's geld—another proof of the contention that the geld was included in the customs. At Shrewsbury<sup>1</sup> the list of forfeitures in the borough is preceded by the statement 'There King Edward had the following customs'; while in the simple boroughs frequent mention is made of the customs of markets; at Worcester<sup>2</sup> the payment that King Edward had from the minters is stated to be a custom that he had in the city; and at Cambridge<sup>3</sup> an exaction by the sheriff is said to be a 'custom imposed on the burgesses.' So that, in different places, geld, gablum, market tolls, receipts from the mints and forfeitures were all included under the generic term 'customs.' The only instances where the word appears to be used in a sense approximating its modern sense of an excise duty are at Hereford<sup>4</sup>, where 'whosoever wife brewed within and without the city gave 10*d.* for a custom'; and at Canterbury<sup>5</sup>, where a certain *praepositus*, Brumann by name, acknowledged that he had illegally taken custom from foreign merchants on the land of St. Augustine—but in this case 'custom' is apparently the equivalent of 'toll,' as would appear from the survey in St. Augustine's cartulary.

## 2. THE GELD.

As Domesday Book is primarily a geld-book we shall expect to find much information about the payment of geld by the boroughs; but, to our surprise, there is only one mention of the geld as Danegeld in connexion with them, and that is at Stamford, where we read

The King's borough of Stamford paid geld for 12½ hundreds in army and naval service and in Danegeld<sup>6</sup>.

But, as the Lincolnshire hundreds contained only twelve carucates each, the actual assessment of Stamford was a hundred and a half.

Many of the other boroughs, too, appear to have been assessed by hides in the same manner as rural properties; the following assessments are recorded:

<sup>1</sup> *D. B.* i. 252 *a*, 1.

<sup>2</sup> *Id.* 172 *a*, 1.

<sup>3</sup> *Id.* 189 *a*, 1.

<sup>4</sup> *Id.* 179 *a*, 1.

<sup>5</sup> *Id.* 2 *a*, 1.

<sup>6</sup> *Id.* 336 *b*, 2.

Bath . . . . .	20 hides <sup>1</sup> .
Bedford . . . . .	Half a hundred <sup>2</sup> .
Bridport . . . . .	5 hides <sup>3</sup> .
Buckingham . . . . .	1 hide <sup>4</sup> .
Cambridge . . . . .	1 hundred <sup>5</sup> .
Chester . . . . .	50 hides <sup>6</sup> .
Dorchester . . . . .	10 hides <sup>7</sup> .
Exeter . . . . .	5 hides <sup>8</sup> .
Fordwich . . . . .	1 jugum <sup>9</sup> .
Hertford . . . . .	10 hides <sup>10</sup> .
Huntingdon . . . . .	50 hides <sup>11</sup> .
Shaftesbury . . . . .	20 hides <sup>12</sup> .
Shrewsbury . . . . .	100 hides <sup>13</sup> .
Wareham . . . . .	10 hides <sup>14</sup> .
Worcester . . . . .	15 hides <sup>15</sup> .

We shall later see reason for believing that Leicester was assessed at sixty hides, Malmesbury at five, Oxford at 100 and Warwick at fifty<sup>16</sup>. Mr. Round has pointed out that, in Norfolk and Suffolk, Domesday Book, instead of stating the number of hides at which a property was assessed, states the amount it contributed to a geld of 20s. on the hundred<sup>17</sup>; Sudbury lay in the hundred of Thingoe, and paid 5s. geld<sup>18</sup>, and was therefore assessed at twenty-five hides; Yarmouth paid 12d. 'de geldo,' and was therefore assessed at five hides<sup>19</sup>.

The fifty hides of Huntingdon, gelded as a fourth part of the hundred of Hyrstehingham till a mint was established in the borough by King William<sup>20</sup>, and Worcester's fifteen hides were reckoned in the hundred of Fishborough<sup>21</sup>. From the Northamptonshire Geld Roll we learn that the borough of Northampton was assessed at twenty-five hides in the hundred of Spelho<sup>22</sup>. Sandwich 'lies in its own hundred'<sup>23</sup>, and Winchcombe with 'the whole hundred of the same vill' rendered £20<sup>24</sup>, and there were hundreds of Canterbury, Fordwich, Rochester, Pevensey, Colchester, Norwich and Thetford,

<sup>1</sup> *D. B.* i. 87 a, 2.    <sup>2</sup> *Id.* 209 a, 1.    <sup>3</sup> *Id.* 75 a, 1.    <sup>4</sup> *Id.* 143 a, 1.

<sup>5</sup> *Id.* 189 a, 1.    <sup>6</sup> *Id.* 262 b, 1.    <sup>7</sup> *Id.* 75 a, 1.    <sup>8</sup> *Id.* 100 a, 1.

<sup>9</sup> *Id.* 12 a, 2.    <sup>10</sup> *Id.* 132 a, 1.    <sup>11</sup> *Id.* 203 a, 2.    <sup>12</sup> *Id.* 75 a, 1.

<sup>13</sup> *Id.* 252 a, 1.    <sup>14</sup> *Id.* 75 a, 1.    <sup>15</sup> *Id.* 172 a, 1.    <sup>16</sup> See post, p. 80.

<sup>17</sup> *Feudal England*, p. 98.    <sup>18</sup> *D. B.* ii. 286 b.    <sup>19</sup> *Id.* ii. 118 a.

<sup>20</sup> *D. B.* i. 203 a, 2.    <sup>21</sup> *Id.* 175 b, 1.    <sup>22</sup> *Feudal England*, p. 156.

<sup>23</sup> *D. B.* i. 3 a, 1.

<sup>24</sup> *Id.* 162 b, 1.



and half-hundreds of Ipswich and Maldon ; the hundreds of Canterbury and Pevensey, however, were not coterminous with the boroughs but included rural properties, and a distinction is drawn between the inhabitants of the hundred of Thetford and of the half-hundred of Maldon and the inhabitants of the boroughs. The description of the borough of Pevensey is separated from that of the hundred of Pevensey by six columns, which may indicate that there was no connexion between the hundred and the borough.

But if there is only one specific mention of 'Danegeld' in connexion with the boroughs, yet there are several notices of a geld that was paid by them : at Chester<sup>1</sup> T. R. E. the geld paid by 431 houses belonging to the king and fifty-six belonging to the bishop amounted to ten and a half marks of silver ; at the same period Dorchester<sup>2</sup> and Wareham<sup>2</sup> paid one mark each, Bridport<sup>2</sup> half a mark, and Shaftesbury<sup>2</sup> two marks ; but these payments are expressly stated to have been for the use of the *housecarls*. On comparison with the table of assessments given above it will be seen that the Dorset boroughs paid at the rate of ten marks for 100 hides. Like Bridport, Exeter<sup>3</sup> served on expeditions for five hides, and paid T. R. E. half a mark of silver for geld for the use of the soldiers (*ad opus militum*) ; but Exeter gelded only when London, York and Winchester gelded, and Totnes gelded only at the same times as Exeter and paid 3s. 4d., i.e. a quarter of a mark<sup>4</sup>. With these payments for the support of the *housecarls* and *buscarls* must be compared a payment made at Colchester<sup>5</sup>, where, on the fifteenth day after Easter, the burgesses paid the king two marks of silver, and also 6d. a house from every house that could pay, for the victual of the soldiers (*soldariorum*) or for *expedition* by sea or land ; and this payment was due if the king had soldiers (*soldarios*) in pay or was making an expedition, and amounted T. R. E. to £11 5s. 3d. a year. But none of these payments are ever expressly called Danegeld<sup>6</sup>.

<sup>1</sup> D. B. i. 262 b, 1.

<sup>2</sup> Id. 75 a, 1.

<sup>3</sup> Id. 100 a, 1.

<sup>4</sup> Id. 108 b, 1.

<sup>5</sup> D. B. ii. 107 a.

<sup>6</sup> I fail to see the necessity for Mr. Round's suggested emendation of the text in this passage (*Antiquary*, vi 254) : instead of reading 'Propter

Theoretically geld was due from all the burgesses in a borough, whether they inhabited houses belonging to the king or to the contributory lords: at Stafford<sup>1</sup> it is distinctly stated that while the contributory lords had the sac and soc of their houses the king had the annual geld of all, and a similar statement is made at Warwick<sup>2</sup>; at Guildford no one escaped the common geld, although the sac and soc might be vested in a private individual<sup>3</sup>, and at Huntingdon the Abbot of Ely and Gilbert of Ghent had certain houses with sac and soc except the king's geld<sup>4</sup>.

Vacant or waste houses paid no geld; at Oxford

Both within and without the wall are 243 houses rendering geld, and besides these there are there 478 houses so waste and destroyed that they cannot pay geld<sup>5</sup>.

At Malmesbury

The King has 26 inhabited masures and 25 masures in which are houses that do not pay geld more than waste land<sup>6</sup>.

Hence we can understand the reason for the frequent mention of waste houses at Cambridge, Northampton, Norwich, Stafford and other places, and in the Dorset boroughs. One cause of the destruction of houses was the erection of castles in the towns: the houses destroyed for the castle at Cambridge numbered twenty-seven<sup>7</sup>, at Huntingdon twenty<sup>8</sup>, at Lincoln

hoc 6*d.* tota civitas . . . reddebat T. R. E. £15 5*s.* 3*d.* in unoquoque anno, de quibus monetarii £4 T. R. E., he proposes to read '*Præter hoc 6*d.* &c.*,' thus making the £15 5*s.* 3*d.* an addition to the payment of 6*d.* a house. But £9 18*s.* 7*d.* (that is, allowing for the £4 paid by the minters and the two marks) represents 397 houses at 6*d.* a house, and the number of houses in Colchester, according to Domesday Book, was 435. I remember no passage in Domesday Book in which the total amount of individual payments is not recorded: for instance, at Malmesbury and Southampton the total of the individual payments for gablum is recorded, and in each of these cases the Domesday arithmetic is wrong; and the increase from £15 5*s.* 3*d.*, which would appear to be the render of the borough in 1066, to £80, the render in 1086, is not much out of proportion to the increases in other boroughs—e.g. Rochester £5 to £40, Lincoln £30 to £100, Norwich £30 to £90, Oxford £30 to £60.

<sup>1</sup> *D. B.* i. 246 a, 1.

<sup>2</sup> *Id.* 238 a, 1.

<sup>3</sup> *Id.* 30 a, 1.

<sup>4</sup> *Id.* 203 a, 1.

<sup>5</sup> *Id.* 154 a, 1.

<sup>6</sup> *Id.* 64 b.

<sup>7</sup> *Id.* 189 a, 1.

<sup>8</sup> *Id.* 203 a, 2.



166<sup>1</sup>, at Norwich 98<sup>2</sup>, at Stamford five<sup>3</sup>, and at Wallingford eight<sup>4</sup>. A whole ward at York was destroyed for the castles<sup>5</sup>, and Mr. Freeman suggests that the forty-eight houses destroyed at Exeter after King William came into England were destroyed to make room for the castle<sup>6</sup>.

Yet, in spite of the destruction of houses since the Conquest, the full amount of geld at which a borough was assessed had to be raised from its inhabitants: hence the complaint of the English burgesses at Shrewsbury<sup>7</sup>, that, although the earl's castle occupied the site of fifty-one houses, and other fifty were waste, and forty-three were inhabited by French-born burgesses, and thirty-nine had been given by the earl to the abbey he was founding (making a total of 183 not gelding)<sup>8</sup>, yet the fifty-nine remaining had to pay as much geld as the 252 houses in the borough in the time of King Edward. But if the whole amount was due, the wind was tempered to the shorn lamb—for at Ipswich there were 100 poor burgesses who could not pay to the king's geld except one penny for their own polls<sup>9</sup>; and a similar payment was made at Colchester, but there it was called a custom and nothing was said about poverty<sup>10</sup>. In the new borough at Norwich one penny each was paid by thirty-six Frenchmen and six English burgesses, besides all their forfeitures<sup>11</sup>. And at times the payment of geld was even excused: at Bridport there were 'twenty houses so destitute that those who abode in them could not pay geld<sup>12</sup>.'

The complaint of the English burgesses at Shrewsbury shows that certain persons had acquired freedom from geld: the Frenchmen living in England before the Conquest paid geld as Englishmen<sup>13</sup>, but the French-born burgesses who came with the Conqueror were exempt from geld, as was the new monastery in the city. It was the object of all the owners of property in any town (especially if they were county

<sup>1</sup> *D. B.* i. 336*b*, 1.

<sup>2</sup> *D. B.* ii. 116*b*.

<sup>3</sup> *D. B.* i. 336*b*, 2.

<sup>4</sup> *Id.* 56*a*, 2.

<sup>5</sup> *Id.* 298*a*, 1.

<sup>6</sup> *N. C.* iv. 162.

<sup>7</sup> *D. B.* i. 252*a*, 1.

<sup>8</sup> The Domesday scribe makes the total 193.

<sup>9</sup> *D. B.* ii. 290*a*.

<sup>10</sup> *Id.* ii. 106*a*.

<sup>11</sup> *Id.* ii. 118*a*.

<sup>12</sup> *D. B.* i. 75*a*, 1.

<sup>13</sup> *Select Charters*, p. 84.



magnates) to be exempted from payment of geld. A list of persons, twelve of whom were tenants in capite in Hampshire or the Isle of Wight, is given at Southampton 'who have the customs of their houses by grant of King William <sup>1</sup>.' If they could not obtain legal exemption, sometimes they refused to pay: hence we find a long list of persons at Dover<sup>2</sup>, Lincoln<sup>3</sup> and Norwich<sup>4</sup> who paid no geld; at Colchester<sup>5</sup> there were seventeen owners of houses within the borough from whose houses 'custom' was not paid, although it had been paid in the time of their predecessors in title; the fact that some of the tenants paid no custom except poll tax—which is definitely stated at Ipswich to have been a payment for geld—while others withheld all their custom enables us to say with certainty that the custom so detained was geld. Sometimes it was only the principal house of the contributory lord that was free of geld. Thus

The abbess of Wharwell holds in the City of Winchester 31 masures from which she has all customs except King's geld, of which geld the abbess's own house is quit<sup>6</sup>.

Similarly, Hamo the steward's hall at Colchester was quit of custom even T.R.E., but his burgesses still continued to pay their poll tax<sup>7</sup>; and Geoffrey Alselin's hall at Lincoln was likewise quit of custom<sup>8</sup>. Some of the houses at Huntingdon belonging to the Abbot of Ramsey, over which he had sac and soc, paid king's geld, but from others he had all custom when they gelded<sup>9</sup>. At Grantham Queen Edith had twelve carucates which paid geld (*ad geldum*), but her hall and two carucates were exempt (*sine geldo*)<sup>10</sup>.

On the other hand, it is expressly noted that the estates of the Bishop of Chester at Shrewsbury<sup>11</sup> and Chester<sup>12</sup> gelded with the burgesses, and that the houses at Colchester which were appurtenant to Clacton and belonged to the Bishop of London, paid all their customs, except scot, to the bishop, and therefore, presumably, paid their scot to the king<sup>13</sup>.

<sup>1</sup> D. B. i. 52 a, 1.    <sup>2</sup> Id. 1 a, 1.    <sup>3</sup> Id. 336 a, 1.    <sup>4</sup> D. B. ii. 117.

<sup>5</sup> Id. ii. 106 a.    <sup>6</sup> D. B. i. 44 a, 1.    <sup>7</sup> D. B. ii. 106 a.

<sup>8</sup> D. B. i. 336 a.    <sup>9</sup> Id. 203 a, 1.    <sup>10</sup> Id. 337 b, 2.

<sup>11</sup> Id. 252 a, 2.    <sup>12</sup> Id. 262 b, 1.    <sup>13</sup> D. B. ii. 11 a.

The burgesses of some boroughs had assistance in the payment of their geld; the borough of Torksey and the manor of Hardwick paid one-fifth of the geld of Lincoln, and of this fifth Torksey paid two-thirds and Hardwick the balance<sup>1</sup>. At York there were eighty-four carucates of land in the geld of the city, and each carucate paid as much as one house in the city<sup>2</sup>. Included in the geldable area of Nottingham were six carucates of arable land, a meadow and a tract of underwood, six furlongs long by five broad<sup>3</sup>; and at Leicester Countess Judith had outside the borough six carucates of land pertaining to the borough<sup>4</sup>. At Canterbury there were eight acres of meadow and 1,000 acres of unfruitful wood which yielded 24s.<sup>5</sup>, but these are not stated to have been in the geld of the city. The Colchester burgesses claimed that five hides of land formerly subject to the custom and account of the city had been annexed by Godric to Lexden<sup>6</sup>, and presumably that therefore their geldable area had been reduced—a complaint that must be compared with that of the English burgesses at Shrewsbury. Similarly, at Chester the Domesday valuers note that

The land in which St. Peter's church is situate, which Robert of Rhuddlan claimed as thegnland . . . never belonged to his manor without the city, but pertains to the borough and always paid custom to the King and Earl as the land of the other burgesses<sup>7</sup>.

Evidently Robert of Rhuddlan was attempting to do at Chester what Godric had accomplished at Colchester. Other examples of aid rendered to the burgesses in the payment of their geld were at Huntingdon, where there were under the burgesses '100 bordars who aid them in the payment of their geld<sup>8</sup>'; and at Malmesbury, where the abbot had 'without the borough nine cosceze who geld with the burgesses<sup>9</sup>'.

The express mention of the annual geld at Stafford<sup>10</sup>, and the annual payments at Colchester<sup>11</sup> (which, although not stated to be geld, were apparently of its nature), while we know that 'Danegeld' was an occasional war tax<sup>12</sup>, suggest

<sup>1</sup> *D. B. i. 337 a, 1.*

<sup>2</sup> *Id. 298 a, 2.*

<sup>3</sup> *Id. 280 a, 1.*

<sup>4</sup> *Id. 230 a, 1.*    <sup>5</sup> *Id. 2 a, 1.*    <sup>6</sup> *D. B. ii. 104 a; V. H. Essex, pp. 416, 574.*

<sup>7</sup> *D. B. i. 262 b, 1.*

<sup>8</sup> *Id. 203 a, 1.*

<sup>9</sup> *Id. 64 b, 1.*

<sup>10</sup> *Id. 246 a, 1.*

<sup>11</sup> *D. B. ii. 107 a.*

<sup>12</sup> *D. B. and B. 3.*

doubts whether the geld mentioned in Domesday in connexion with the boroughs was 'Danegeld' after all—especially as the borough geld was reckoned in units of marks, while the 'Danegeld' was reckoned in units of shillings<sup>1</sup>.

It will be noticed from these examples that the terms 'burgus' and 'civitas' are sometimes applied to the same place, and that they are not used synonymously. The 'burgus' was the fortified area, the 'civitas' was the geldable area. The eighty-four carucates at York and the five hides at Colchester were in the geld of the *city*; at Leicester and elsewhere the lands were stated to pertain to the borough; notice too, at Gloucester, the expression 'in the borough of the city'<sup>2</sup>.

### 3. THE GABLUM.

Another specific 'custom' of which mention is made in connexion with the boroughs is that known as the 'gablum' (OE. *Gafol* = rent), which was a rent paid to the king from his demesne houses within the borough: but it must be remembered that the gablum differed essentially from the geld; the latter was a royal 'custom,' the former accrued to the king merely because he was the owner of property, and differed in no way from the rents other owners received from their town houses.

At Malmesbury the gablum was 10*d.* a house<sup>3</sup>; and the same amount seems to have been charged at Huntingdon<sup>4</sup>, where 16*s.* 8*d.* was allowed from the landgable because twenty houses were wasted on account of the castle. At Southampton seventy-six men were in demesne rendering £7 'de gablo'; of these, twenty-seven paid 8*d.* each, fifty paid 6*d.* each and two paid 1*s.*<sup>5</sup> At Pevensey King Edward had 14*s.* 6*d.* from the gablum of twenty-four burgesses in demesne: the Conqueror gave the borough to the Earl of Mortain, to whom sixty

<sup>1</sup> *Dialogus de Scaccario*; *Select Charters*, p. 203. In the preparation of this and the next section I am greatly indebted to Mr. Round's essay on the Geld in the *Domesday Studies*.

<sup>2</sup> *D. B.* i. 162 a, 1. See Mr. Round, *V. H. Essex*, p. 415; *Antiquary*, v. 249.

<sup>3</sup> *D. B.* i. 64 b.

<sup>4</sup> *Id.* 203 a, 1.

<sup>5</sup> *Id.* 52 a, 1. The arithmetic is that of the Domesday scribe.



burgesses paid 39s. 'de gablo<sup>1</sup>.' At Hereford the whole masures within the wall paid 7½*d.* to the king and 4*d.* for hiring horses, but those without the wall paid only 3½*d.*<sup>2</sup>; these are clearly payments of gablum, although the word is not used. The amount of the landgable at Cambridge was £7 2s. 0*d.* and 2*d.*<sup>3</sup>, and at Huntingdon was £10<sup>4</sup>; and at Shrewsbury 252 burgesses paid £7 16s. 8*d.* 'de gablo<sup>5</sup>.' According to the St. Augustine's survey of Canterbury King Edward received £3 16s. 5*d.* 'de gablo' of his fifty-one burgesses<sup>6</sup>. At Buckingham the burgesses paid their rents to their lords, and an additional payment to the king; e.g.

In this borough the Bishop of Coutances has 3 burgesses whom Ulward fitz Edith held; they render 6s. 6*d.*, and to the King 11*d.* Hugh (Earl of Chester) has 1 burgess formerly the man of Burcard of Shenley; he renders 26*d.*, and to the King 5*d.*<sup>7</sup>

These payments to the king, which amounted to 5s. 4*d.* and are peculiar to Buckingham, may have been a species of gablum, but were not the true gablum, which was payable only to the owners of the houses. Professor Maitland suggests that they were commuted wall work<sup>8</sup>.

With very few exceptions, Leicester and Warwick are the most important, the money rents received by the contributory lords in respect of their town houses are specified in the surveys, but the term gablum is rarely applied to these rents. The landgable of 1*d.* a house at Lincoln was received by private persons<sup>9</sup>; gablum is mentioned as being received by ten burgesses of Wallingford in respect of their own houses<sup>10</sup>, and also by certain burgesses at Canterbury<sup>11</sup>, and by the Abbot of Peterborough at Stamford<sup>12</sup>; and Robert of Ouilly received gablum from sixteen houses at Oxford<sup>13</sup>. But landgable was distinguished at Lincoln from *locatio*, possibly as to-day a quit-rent is distinguished from rack-rent<sup>14</sup>.

<sup>1</sup> *D. B. i.* 20 *a.*, 1.

<sup>2</sup> *Id.* 179 *a.*, 1.

<sup>3</sup> *Id.* 189 *a.*, 1.

<sup>4</sup> *Id.* 203 *a.*, 1.

<sup>5</sup> *Id.* 252 *a.*, 1.

<sup>6</sup> Larking's *Domesday of Kent*, p. 35\*.

<sup>7</sup> *D. B. i.* 143 *a.*, 1.

<sup>8</sup> *D. B. and B.* 220.

<sup>9</sup> *D. B. i.* 336 *a.*

<sup>10</sup> *Id.* 56 *b.*, 1.

<sup>11</sup> *Id.* 2 *a.*, 1.

<sup>12</sup> *Id.* 336 *b.*, 2.

<sup>13</sup> *Id.* 158 *a.*, 2.

<sup>14</sup> *Id.* 336 *a.*, 1.

## 4. MARKETS AND TOLLS.

Considering the important place that the market occupies in certain theories as to the origin of the borough, we are surprised to find so few direct references to it in the Domesday descriptions of the county and quasi-county boroughs. In only one instance is there any mention of specific market tolls; at Lewes<sup>1</sup>

He who in the borough sells a horse gives a penny [nummum] to the *præpositus*, and the buyer [gives] another.

For an ox, a halfpenny.

For a man, *4d.*, wherever he may buy him within the rape.

There are only two instances—Huntingdon<sup>2</sup> and Lincoln<sup>3</sup>, of 'thol and team' being vested in the owner of any urban property as well as sac and soc. Toll is mentioned as one of the sources of the king's revenue at Canterbury<sup>4</sup>, Chester<sup>5</sup>, Derby<sup>6</sup>, Oxford<sup>7</sup> and Torksey<sup>8</sup>, and incidental references reveal the existence of markets at Milbourne<sup>9</sup>, Sudbury<sup>10</sup>, Wallingford<sup>11</sup> and Worcester<sup>12</sup>. At York the Earl of Mortain is stated to have possessed two benches in the shambles (*macellum*)<sup>13</sup>. Toll is also expressly mentioned at Arundel<sup>14</sup>, Dover<sup>15</sup>, Southwark<sup>16</sup>, Stamford<sup>17</sup>, Pevensey<sup>18</sup> and York<sup>19</sup>—in each case as being received by others than the king. The toll at Pevensey was received by the Earl of Mortain, and at Southwark the Bishop of Bayeux appears to have usurped the king's sole right of taking toll in the stream. At Arundel Robert fitz Tetbald received his toll of strangers: does this mean that he owned the market? The canons of St. Martin's at Dover received £22 from the toll of Dover—an increase of £14 since the Conquest.

That toll was not always connected with markets is shown by the description of Torksey, the burgesses of which place

<sup>1</sup> *D. B.* i. 26 a, 1.      <sup>2</sup> *Id.* 203 a, 1.      <sup>3</sup> *Id.* 336 a.      <sup>4</sup> *Id.* 2 a, 1.

<sup>5</sup> *Id.* 262 b, 1.      <sup>6</sup> *Id.* 280 a, 2.      <sup>7</sup> *Id.* 154 a, 1.      <sup>8</sup> *Id.* 337 a, 1.

<sup>9</sup> *Id.* 86 b, 1.      <sup>10</sup> *D. B.* ii. 286 b.      <sup>11</sup> *D. B.* i. 56 b, 1.

<sup>12</sup> *Id.* 173 b, 1.      <sup>13</sup> *Id.* 298 a, 1.      <sup>14</sup> *Id.* 23 a, 1.      <sup>15</sup> *Id.* 2 a, 1.

<sup>16</sup> *Id.* 32 a, 1.      <sup>17</sup> *Id.* 336 b, 2.      <sup>18</sup> *Id.* 20 b, 1.      <sup>19</sup> *Id.* 298 a, 1.

had the same customs as the men of Lincoln, and this in addition that whoever of them had a mansion in the same town, neither on entrance or departure, gave toll or custom<sup>1</sup>.

The meaning is rather obscure; but this much is certain, that either at Torksey or Lincoln some travellers had to pay toll both on leaving and entering the town. This interpretation is confirmed by a reference to that gate in London yielding 20s. which belonged to the Bishop of Durham and was appurtenant to his manor of Waltham in Essex; evidently the income was derived from those who passed through the gate<sup>2</sup>.

Perhaps this is the best place to notice that the official fares for crossing the Channel from Dover are recorded in Domesday Book:

The King's messengers gave for transporting a horse 3*d.* in winter and 2*d.* in summer; the burgesses found a man to steer and one other: but if more were required, the hirer paid for them<sup>3</sup>.

At Dover residents who paid their custom to the king were quit of toll throughout England, a privilege afterwards granted wholesale by John Lackland.

The survey of Canterbury in the cartulary of St. Augustine's<sup>4</sup>, which appears to bear to the Exchequer Domesday the same relation as is borne by the Exeter Domesday, gives more information about the toll at Canterbury, but always refers to it as 'theloneum panis,' the toll of bread. T. R. E. the toll of bread realized 30s., when Hamo received the city it was valued at 60s., and when the survey was made it realized 8*s.* more. The religious houses of the Holy Trinity and St. Augustine's received the toll of the foreign merchants who sojourned on their land; but Brumann the praepositus had usurped this toll—whence arose a lawsuit before the Bishop of Bayeux, Hugh of Montfort, the Count D'Eu and Richard fitz Gilbert, when Brumann admitted his fault. This survey also states that the shoemakers and drapers of Canterbury rendered 30s., and the swineherds 5*s.*: the latter payment would possibly be pannage

<sup>1</sup> *D. B.* i. 337 *a*, 1.

<sup>2</sup> *D. B.* ii. 15 *b*.

<sup>3</sup> *D. B.* i. 1 *a*, 1.

<sup>4</sup> Larking's *Domesday of Kent*, p. 34 \*.



for the swine they kept, but the former may have been payments for permission to trade, possibly even a payment for a gild.

We shall, however, later see reason to believe that the markets deserved more attention than they received from the Domesday valuers.

### 5. THE MINT.

Although the references to the markets in the county boroughs are slight and unimportant, more frequent mention is made of the mints in those boroughs; and in the smaller places the receipts from the mint were no inconsiderable part of the king's profits from the borough. In some cases the minters' payments to the king were made only when new dies were issued: at Worcester,

When money was coined, each minter gave to the King 20s. at London for the new dies<sup>1</sup>.

Similar payments were made at Chester<sup>2</sup>, Lewes<sup>3</sup> and Shrewsbury<sup>4</sup>, but at the last mentioned place not till the fifteenth day after they had received the new dies.

At other places the minter also paid the king an annual sum for his privilege: at Dorchester<sup>5</sup>

There were two minters, each of whom paid to the King one mark of silver, and 20s. when the coinage was renewed (*moneta vertente*).

And similar annual payments were made at Bridport, Wareham and Shaftesbury.

At Hereford T. R. E.

There were 7 minters within the city; one was the Bishop's: when the coinage was renewed, they each of them gave to the King 18s. for new dies, and within one month after they returned they each gave to the King 20s.; and likewise the Bishop had 20s. of his minter.

When the king came to the city, the minters made him as many pennies as he wished of his own silver; and these seven (minters) had sac and soc.

When any of the King's minters died, the King had 20s. for a relief; but if he died without dividing his property (i. e. intestate), the King had all<sup>6</sup>.

<sup>1</sup> D. B. i. 172 a, 1.

<sup>2</sup> Id. 262 b, 2.

<sup>3</sup> Id. 26 a, 1.

<sup>4</sup> Id. 252 a, 1.

<sup>5</sup> Id. 75 a, 1.

<sup>6</sup> Id. 179 a, 1.

Reference has already been made to the mint at Huntingdon, where its establishment had the effect of severing (for geld purposes) the tie between the borough and the hundred with which it formerly gelded. At Ipswich T. R. E.

The minters rendered £4 for the mint; now they ought to render £20; but for four years they rendered only £27<sup>1</sup>.

And similarly

The burgesses of Colchester and Maldon render £20 for the mint; and this (payment) was fixed by Waleran: and they invoke the King's aid because he pardoned them £10, and yet Bishop Walchelin, the tenant (i. e. *firmar*), seeks of them £40<sup>2</sup>.

Sometimes the mints had been granted by the king to his subjects: we have seen that the Bishop of Hereford had a minter of his own in that city; similarly, the Bishop of Norwich could have a minter if he wished<sup>3</sup>, and the mint at Pevensey yielded 20s. to the Earl of Mortain<sup>4</sup>. Although Taunton was a borough on an agricultural estate, and was characterized by none of the distinctive features of a county borough, yet the Bishop of Winchester had a mint there which yielded him 50s. a year<sup>5</sup>; Rhuddlan also had a mint, the render of which was divided between the Earl of Chester and Robert of Rhuddlan<sup>6</sup>.

But it must be noticed that there were two methods of farming the mint: the minters could personally farm it, in which case they paid a fee when they received new dies, as at Shrewsbury and Worcester, with, sometimes, an additional yearly payment, as in the Dorset boroughs; or it might be farmed by the burgesses, as at Maldon and Colchester, in which case these paid a large annual sum for the privilege. At Colchester the change was made by Waleran: T. R. E. the minters paid £4; he let the mint to the burgesses and raised the rent to £20.

The following is a list of the mints mentioned in Domesday Book, with the renders of each; those boroughs where the minters farmed the mint are distinguished with an asterisk.

<sup>1</sup> *D. B.* ii. 290 *b*.

<sup>2</sup> *Id.* ii. 107 *b*.

<sup>3</sup> *Id.* ii. 117 *b*.

<sup>4</sup> *D. B.* i. 20 *b*, 1.

<sup>5</sup> *Id.* 87 *b*, 1.

<sup>6</sup> *Id.* 269 *a*.

Bath	100s.	Malmesbury	100s.
Bridport *	20s. & 1 mark.	Nottingham	10s.
Chester * (7)	7s.	Pewsey	20s.
Colchester	20s.	Rhuddlan	
Maldon		Shaftesbury * (3)	20s. & 1 mark each.
Dorchester * (2)	20s. & 1 mark each.	Shrewsbury * (3)	60s.
Gloucester	20s.	Sudbury.	
Hereford * (7)	18s. & 20s.	Taunton	50s.
Huntingdon *	40s. (T. R. E.).	Thetford	40s.
Ipswich	20s.	Wareham * (2)	20s. & 1 mark each.
Leicester	20s.	Worcester *	20s. each.
Lewes *	20s.		
Lincoln	75s.		

The minters of Oxford and Wallingford are also mentioned; and the sheriff of Oxfordshire rendered £20 *de moneta*.

#### 6. RENDERS IN KIND.

A study of Domesday Book reveals that at the time of its compilation England was in a state of transition from 'barter-economy' to 'coin-economy'; before the Conquest the kings had frequently collected their dues in kind; many of their demesne manors were liable for the farm of one night, or, in other words, were obliged to find board and lodging for the king and his court for one night; and this system remained in force in the south-western counties till the Conquest. Thus the royal manors of Bedwyn<sup>1</sup>, Calne<sup>2</sup>, Devizes<sup>3</sup> and Warminster<sup>4</sup>, on which were situate the boroughs of the same names, were each liable for one night's farm, which at Devizes was valued at £100; the manor of Milbourne<sup>5</sup>, with its appurtenant boroughs of Ilchester and Milbourne, was T. R. E. liable for three-quarters of one night's farm, a liability which was commuted by the Conqueror for £79 10s. 7d. In Oxfordshire the *firma trium noctium* is £156<sup>6</sup>. The manors of Somerton<sup>7</sup> and Cheddar<sup>8</sup>, with their appurtenant boroughs of Langport and Axbridge, rendered T. R. E. one night's farm between them, but this too was commuted by the Conqueror in such a way that Somerton paid £79 10s. 7d.

<sup>1</sup> D. B. i. 64b, 2.

<sup>2</sup> Id. 64b, 2.

<sup>3</sup> Id. 65a, 1.

<sup>4</sup> Id. 64b, 2.

<sup>5</sup> Id. 86b, 1.

<sup>6</sup> Id. 154b, 2.

<sup>7</sup> Id. 86a, 2.

<sup>8</sup> Id. 86a, 2.



and Cheddar £21 os. 2½d. It should be noted that of all these manors that rendered the night's farm is used the formula 'it never gelded nor is it known how many hides are there.' Similarly, from the Dorset boroughs of Dorchester, Bridport and Wareham<sup>1</sup> were due to King William 'the customs pertaining to the night's farm'; and Mr. Round<sup>2</sup> suggests that they were interned in a group of royal manors for that purpose (in the same way as Langport and Axbridge aided in the render of the manors of Somerton and Cheddar), and were not each responsible for one night's farm, as Mr. Eyton thought<sup>3</sup>. This suggestion is the more probable as we read

The King holds Dorchester. . . . It is unknown how many hides are there because it did not geld T.R.E. . . . This manor with its appendices renders one night's farm<sup>4</sup>.

With these exceptions, the greater part of the render of every borough was, even T.R.E., paid in money; but from very many were still due renders in kind, most of which were commuted for money payments at or soon after the Conquest. Thus

T.R.E. the city of Gloucester rendered to the King £36 by tale, 12 sextars of honey, 36 'dicras' of iron, 100 ductile iron bars suitable for ship nails, and other small customs to the hall and chamber of the King. Now, £60 of 20 in the ora<sup>5</sup>.

Colchester<sup>6</sup>, Ipswich<sup>7</sup>, Leicester<sup>8</sup>, Norwich<sup>9</sup>, Oxford<sup>10</sup> and Thetford<sup>11</sup>, like Gloucester, rendered honey to the king as part of their dues; Chester was evidently a great fur market, as is shown by its laws and by its gift to King Edward of three bales of martin pelts yearly<sup>12</sup>. At Derby the burgesses rendered to the king at Martinmas twelve loads of corn, of which the Abbot of Burton had forty sheaves<sup>13</sup>; Dunwich rendered 60,000 herrings as a gift<sup>14</sup>, and similarly Sandwich,

<sup>1</sup> *D. B. i. 75 a, 1.*

<sup>2</sup> *Feudal England*, p. 114.

<sup>3</sup> *Key to Domesday*, Dorset, p. 70.

<sup>4</sup> *D. B. i. 75 a, 2.*

<sup>5</sup> *Id.* 162 a, 1.

<sup>6</sup> *D. B. ii. 107 a.*

<sup>7</sup> *Id.* ii. 290 b.

<sup>8</sup> *D. B. i. 230 a, 1.*

<sup>9</sup> *D. B. ii. 117 a.*

<sup>10</sup> *D. B. i. 154 a, 1.*

<sup>11</sup> *D. B. ii. 119 a.*

<sup>12</sup> *D. B. i. 262 b, 1.*

<sup>13</sup> *Id.* 280 a, 2.

<sup>14</sup> *D. B. ii. 311 b.*

which belonged to the Archbishop of Canterbury, sent 40,000 herrings for the victuals of the monks<sup>1</sup>. From Droitwich the king received '£65 by weight and two measures of salt<sup>2</sup>,' and from Thetford King Edward received ten goat-skins and four ox-hides<sup>3</sup>. At Arundel 20s. were derived from three banquets<sup>4</sup>, which were in all probability the 'scotales' forbidden by John's charters to Northampton and other places.

And the boroughs supplied materials not only for the king's necessities but also for his amusements and luxuries: the city of Leicester, jointly with the county, rendered to him £10 in lieu of a hawk, and 20s. for a mantle<sup>5</sup>; from Norwich the Confessor received a bear and six dogs for [baiting] the bear, a gift commuted by the Conqueror for a racehorse (*asturconem*)<sup>6</sup>. The burgesses of Yarmouth gave a hawk to the sheriff as a present (*de gersuma*)<sup>7</sup>.

We find too that some of the contributory lords received in kind the rents of their houses in the boroughs: the Church of St. Peter in Gloucester received from its burgesses in that city 19s. 5d. in money and sixteen salmon<sup>8</sup>; a garden at Langport yielded fifty eels<sup>9</sup>; and the masures in London and Southwark belonging to Walkhampstead rendered 2,000 herrings to Count Eustace<sup>10</sup>, and the Southwark measure belonging to Ditton produced 500 herrings<sup>11</sup>. Quennington contributed to Gloucester one burgess who rendered four ploughshares<sup>12</sup>, and the Widecestre burgess in the same city gave twenty horseshoes as the rent of his house<sup>13</sup>. The mill at Arundel produced twenty bushels of corn for Earl Roger<sup>14</sup>, and that of Dover produced forty-eight ferlingels of corn for Hugh of Montfort<sup>15</sup>; and many of the contributory lords at Droitwich received salt as part of the rents of their houses<sup>16</sup>.

<sup>1</sup> *D. B.* i. 3 a, 1.

<sup>2</sup> *D. B.* i. 23 a, 1.

<sup>3</sup> *Id.* ii. 118 a.

<sup>4</sup> *Id.* 34 a, 2.

<sup>5</sup> *Id.* 170 b, 1.

<sup>6</sup> *Id.* 172 b, 1.

<sup>7</sup> *Id.* 230 a, 1.

<sup>8</sup> *D. B.* i. 165 b, 2.

<sup>9</sup> *Id.* 35 a, 1.

<sup>10</sup> *Id.* 23 a, 1.

<sup>11</sup> *Id.* 173 b, 1, &c.

<sup>12</sup> *D. B.* ii. 119 a.

<sup>13</sup> *D. B.* ii. 117 a.

<sup>14</sup> *Id.* 92 a, 2.

<sup>15</sup> *Id.* 167 b, 2.

<sup>16</sup> *Id.* 11 a, 1.

## 7. MILITARY AND OTHER SERVICES.

Although the Conqueror seems to have commuted almost all the renders in kind for money payments, yet he still retained the military and other services due to his predecessor. Full reference has already been made to the duties of the contributory houses, but other military services were also due from burgesses; for instance we read—

The custom of Warwick was that when the King went on an expedition by land, 10 burgesses of Warwick went for all. He who was warned and did not go, amended to the King in 100s. But if the King went by sea against his enemies, they sent him either 4 boatswains or £4 of pennies<sup>1</sup>.

From Oxford 'twenty burgesses went for all or gave the king £20 that all might be free<sup>2</sup>.'

At Leicester, if the expedition was by land, twelve burgesses went with the king; but if by sea, they sent him four horses from the same borough as far as London, to carry arms or anything else that might be necessary<sup>3</sup>. When there was an expedition by land or sea, Exeter served as five hides of land<sup>4</sup>, and Barnstaple, Lidford and Totnes together served as Exeter<sup>5</sup>. At Malmesbury

When the King went in expedition by land or sea, he had of this borough either 20s. to feed his 'buzecarles' or one man for an honor of five hides<sup>6</sup>.

This extract from the Malmesbury record, coupled with the statement in the customs of Berkshire<sup>7</sup>, seems to imply that the recognized service was one soldier (*miles*) for every five hides: we can therefore say that Warwick was assessed at fifty hides, Leicester at sixty and Oxford as a hundred of itself<sup>8</sup>. From the Malmesbury, Leicester and Oxford records

<sup>1</sup> *D. B.* i. 238 a, 1.

<sup>2</sup> *Id.* 154 a, 1. Twenty soldiers were impressed at Oxford in 1523 and sent to Dover (*Oxford City Records*, p. 43).

<sup>3</sup> *D. B.* i. 230 a, 1.

<sup>4</sup> *Id.* 100 a, 1.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Id.* 64 b.

<sup>7</sup> *Select Charters*, p. 91.

<sup>8</sup> These figures should be compared with the 1,000 soldiers furnished by Arras, 500 by Beauvais, and 400 by Corbie in the thirteenth century. (Luchaire, *Les Communes Françaises*, p. 180.)



we see that this service was commutable for £1 a man, but that a defaulter was fined £5.

'The burgesses of Dover gave the king twenty ships once in the year for fifteen days with twenty-one men in each, in order that he would give them sac and soc<sup>1</sup>; and at Sandwich the service was as at Dover<sup>2</sup>. Some of the burgesses of Romney were quit of all custom, except the three forfeitures, for their sea service which they rendered to the king<sup>3</sup>; but the amount of the latter is not specified. At Lewes

Their custom was, that if the King wished to send his men without going himself to guard the sea, 20s. were collected from all the men, whosever tenants they might be, & they who in the ships took care of the arms, had this money<sup>4</sup>.

At Maldon the burgesses found a horse for an expedition and a ship<sup>5</sup>. From a Charter of Henry II we learn that this ship served for forty days<sup>6</sup>. At Torksey,

When the King's legates came, the men of that same village (*vicus*) conducted them as far as York with ships and other instruments of navigation<sup>7</sup>.

And similarly at Shrewsbury,

When the King departed from the city, the sheriff sent him 24 horses, and he took them as far as the first house in Staffordshire<sup>8</sup>.

At Wallingford

The residents did the King's service with horses or on water to Blidberie, Reading, Sutton or Benson; and to those who did this the *praepositus* paid a wage, not from the King's revenue, but from his own (*non de censu regis sed de suo*)<sup>9</sup>.

At Cambridge,

T. R. E. the burgesses lent their teams to the sheriff thrice in the year; now nine times; T. R. E. they found neither carrying services nor wagons, which they now find, in consequence of a custom imposed upon them<sup>10</sup>.

At Hereford

There were six smiths in the city: each of them rendered 1*d.* for his forge, and each of them made 120 horseshoes of the King's iron; and to each of them was given 3*d.* thence for custom, and these smiths were quit of all other custom.

<sup>1</sup> *D. B.* i. 1*a*, 1.

<sup>2</sup> *Id.* 3*a*, 1.

<sup>3</sup> *Id.* 10*b*, 2.

<sup>4</sup> *Id.* 26*a*, 1.

<sup>5</sup> *D. B.* ii. 48*a*.

<sup>6</sup> *V. H.*, Essex, p. 386.

<sup>7</sup> *D. B.* i. 337*a*, 1.

<sup>8</sup> *Id.* 252*a*, 1.

<sup>9</sup> *Id.* 56*a*, 2.

<sup>10</sup> *Id.* 189*a*, 1.

When the King went hunting, from every house in the city went a man to make a cordon (*ad stabiliationem*) in the wood. The other men, not having whole houses, found guards (*inwards*) for the hall when he was in the city<sup>1</sup>.

And very similar hunting customs were in force at Shrewsbury<sup>2</sup>.

Finally at Hereford agricultural work was done by the burgesses:

Those who dwelt within the wall, reaped in August for three days at Maurdine, and gathered hay for one day where the sheriff wished<sup>3</sup>.

### 8. AMENDS AND FORFEITURES.

Again let us remind ourselves that Domesday Book is a valuation-list, with notes of evidence to justify the actual assessment or its reduction or increase, and therefore that the laws in any borough are recorded, not from jurisprudential motives, but from a financial point of view. Compare it with the report of the Commissioners appointed in the reign of William IV to inquire into the Municipal Corporations: the latter inquiry was made with the view of determining what borough customs should be retained and what should be abolished; but the Conqueror's inquiry was financial. The king wanted to know what he might expect in the way of income if the borough customs were broken, not what customs were beneficial and what were harmful.

The laws of Chester give the fullest description of these forfeitures, and will be a good basis of comparison with those of other boroughs<sup>4</sup>.

(1) If the King's peace had been given under his own hand or by his writ, or by his legate, and was broken by any one, the King had thence 100s. But if the same peace given by the Earl, by the King's order, was broken, out of the 100s. which were given for that (offence), the Earl had the third penny. But if the same peace were given by the King's praepositus or by the minister of the Earl, and were broken, amends were made in 40s., and the Earl had the third penny.

(2) If any free man, breaking the King's peace that had been given, slew a man in his own house, his land and all his property was the

<sup>1</sup> *D. B.* i. 179 a, 1.

<sup>2</sup> *Id.* 252 a, 1.

<sup>3</sup> *Id.* 179 a, 1.

<sup>4</sup> *Id.* 262 b, 1. See *Select Charters*, p. 87.

King's, and he became outlawed. The same had the Earl of his own men making this forfeiture. None could return peace to any outlaw except through the King.

(3) He who shed blood from Monday morning (*secunda feria*) till nones on Saturday, made amends in 10s.; bloodshed from nones on Saturday till Monday morning made amends in 20s. Similarly he paid 20s. who did this in the 12 days of the Nativity, and on the day of the Purification of St. Mary, on the first day of Easter, the first day of Pentecost, Ascension day, on the day of the Assumption or Nativity of St. Mary, and the day of the Feast of All Saints.

(4) He who killed a man on these holy days amended in £4; but on other days 40s. Similarly he who committed Heinfare or Forestel [forcible entry or assault] on those feast days or on Sunday paid £4; on other days, 40s.

(5) He who committed Hangewitham [letting a thief out of custody] in the city paid 10s.; the *praepositus* of the King or Earl doing this amended in 20s.

(6) He who committed Revelach [rapine] or Robbery or Rape on a woman in a house, for each of these, made amends in 40s.

(7) If a widow had unlawful intercourse with any one, she amended in 20s.; but a maiden paid 10s. for the like cause.

(8) Who in the city seized another's land and could not prove his claim, amended in 40s.; and likewise he who made suit that it ought to be his and did not prove his claim.

(9) Who wished to relieve his own land or that of his kinsman, paid 10s.; but if he could not or would not, the King's *praepositus* took his land into the hands of the King.

(10) Who did not pay his *gablum* at the term it was due, gave 10s.

(11) If fire burnt the city, he, from whose house it arose, amended in 3 ores, and gave 2s. to his nearest neighbour.

Of all these forfeitures, two parts were the King's and one part the Earl's.

(12) If without the licence of the King, ships arrived at or departed from the port of the city, from each man who was on the ships the King and Earl had 40s. If against the peace of the King and in spite of his prohibition, a ship arrived, the King and the Earl had both the ship and the men and all that was in it.

(13) But if it came with the peace and licence of the King, those who were in it quietly sold what they had: but when it departed, the King and Earl had 4*℥*. from each lading (lesth). If those who had martin pelts were ordered by the King's *praepositus* to sell to none till he had first seen and examined them, he who did not observe this amended in 40s.

(14) A man or woman caught making a false measure amended in 4s.; likewise the maker of bad beer was either placed in the cucking-stool



(*cathedra stercoris*)<sup>1</sup> or gave 4s. to the praepositi. This forfeiture the Ministers of the King and Earl had in the City in whosever land it was; whether of the Bishop or of another man. And likewise toll; whoever detained it beyond 3 nights amended in 40s.

The Hereford customs differ entirely from those of Chester, and had therefore better be given in full<sup>2</sup>.

(1) If any man wished to depart from the city, he could by permission of the praepositus sell his house to another man who was willing to perform the service thence due, and the praepositus had the third penny of this sale. But if any one through poverty could not perform his due service, he abandoned his house without payment to the praepositus, who took care that the house did not remain vacant and that the King did not lack his service.

(2) Every whole masure within the city wall rendered 7½d. and 4d. for hiring horses, and mowed for three days in August at Maudine and worked one day at gathering hay where the sheriff wished.

(3) He who had a horse went with the sheriff thrice a year to pleas and to the hundred at Urmerlavia.

(4) When the King went hunting one man went from every house according to custom to make a hunting cordon in the wood.

(5) The other men not having whole houses found guards at the hall when the King was in the city.

(6) At the death of a burgess serving with a horse, the King had his horse and arms. But from him who had no horse, at his death the King had either 10s. or his land and houses. If any man died intestate, the King had all his property.

These customs had those who dwelt in the city, and those who lived outside likewise, save that a whole masure without the wall paid only 3½d. The other customs were common.

(7) Whosever wife brewed within or without the city, paid 10d. as custom.

(8) The custom of the smiths: see p. 81.

(9) The custom of the minters: see p. 75.

(10) If the sheriff went into Wales with the army these men went with him. But if any man was ordered to go and went not, he amended to the King in 40s.

(11) The King had in his demesne three forfeitures, that is, peace-breach, heinfare and forestel. Whoever did one of these amended to the King in 100s., whosever man he was.

The geographical position of Shrewsbury is about midway between Hereford and Chester; the customs of Shrewsbury<sup>3</sup>

<sup>1</sup> Ellis, *Introduction to Domesday*, i. 203.

<sup>2</sup> *D. B.* i. 179 a, 1.

<sup>3</sup> *Id.* 252 a, 1.

seem to be compiled from the customs of both these cities. Thus numbers 1, 2, 3, 4, 7 and 11 of the Shrewsbury customs respectively correspond with numbers 11, 5, 4, 10, 6 and 9 of the Hereford customs, and numbers 1, 5, 6, 8 and 9 of the Shrewsbury customs respectively correspond with numbers 1 and 2, 7, 11, 10 and 3 of the Chester customs; there is only one custom common to the three cities, that relating to the three forfeitures, which at Shrewsbury are expressly stated to be in the king's demesne throughout England. The only custom peculiar to Shrewsbury is No. 10, which relates to the carrying service due from the citizens when the king left the city, and has already been quoted<sup>1</sup>.

The provisions about Heinfare [ham-fare] can be paralleled at Oxford<sup>2</sup>:

If any one violently broke into and entered a man's courtyard or house to kill or wound or assault a man, he gave 100*s.* as amends to the King.

If any one kill a man in his own courtyard or house, his body and all his property are in the King's power, except his wife's dower if he have dowered her.

#### And at Wallingford

If any one by night broke into the city, he amended in 100*s.* to the King and not to the sheriff<sup>3</sup>.

#### At Canterbury

If any one commit a forfeiture in the straight streets having an entrance and exit through the city, he shall pay the forfeiture to the King: and similarly in the straight streets without the city for one league 3 poles and 3 feet: if any one dig or fix a pale in these public ways within or without the city, the King's praepositus shall sue him wherever he depart and receive the fine to the use of the King<sup>4</sup>.

There was a similar forfeiture at Nottingham; where 'the river Trent and the city ditch and the road to York are guarded so that if any one hinders the passage of the ships, or ploughs or digs a ditch within two perches of the king's highway, he forfeits £8<sup>5</sup>.'

Suit of the hundred court was enforced by penalties at Chester and Dunwich: at the former place, there were twelve judges who, if absent without manifest excuse, amended in

<sup>1</sup> See p. 81.    <sup>2</sup> *D. B. i.* 154 *b.* 2.    <sup>3</sup> *Id.* 56 *b.* 1.    <sup>4</sup> *Id.* 2 *a.* 1.

<sup>5</sup> *Id.* 280 *a.* 1.

10s.<sup>1</sup>; at the latter, two or three went to the hundred if rightfully summoned, and if absent forfeited two ores<sup>2</sup>. We have also seen that the Hereford burgesses attended the hundred court.

From the lawmen of Stamford the king had nothing but geld and heriot and the forfeitures of their own bodies of forty ores of silver (*forisfacturam corporum suorum de 40 oris argenti*) and larceny<sup>3</sup>. Heriots were also paid by the lawmen of Cambridge, of whom Picot the sheriff received in the time of King William £8 and a palfrey and the arms of one knight: Alvríc Godricson when he was sheriff received 20s. of each<sup>4</sup>. The payments at the death of the Hereford burgesses have already been noticed. 'If a stranger chose to reside in Oxford, and died without relatives, but having a house, the king had whatever he left<sup>5</sup>.' At Shrewsbury a burgess in the king's demesne paid 10s. for a relief<sup>6</sup>; and the same sum was paid for a relief at Chester<sup>7</sup>; but the burgesses of the city of York paid no relief<sup>8</sup>.

The French-born burgesses of Hereford<sup>9</sup> and all the burgesses of Rhuddlan<sup>10</sup> had the benefit of the laws of Breteuil<sup>11</sup>, and therefore their forfeitures were limited to 12*d.* for each offence except for homicide, theft and heinfare. The Archbishop of Canterbury had the three forfeitures at Romney from the burgesses contributed by Langport<sup>12</sup>, but the king had them from the other burgesses. The Bishop of Chester had certain forfeitures in that city, principally for breaches of the laws of the church<sup>13</sup>:

(1) If a free man works on a holyday, the Bishop has 8*s.* from him.

(2) But if a slave or a woman breaks a holyday, the Bishop has 4*s.*

(3) If a merchant comes into the city bearing packs (*trusellos*) & opens them without the leave of the Bishop's officer between the ninth hour on Saturday and Monday, or on any feast day, the Bishop has thence 4*s.*

(4) If a man of the Bishop finds any man ploughing within a league of the city, the Bishop has a forfeiture of 4*s.* or two oxen.

<sup>1</sup> *D. B.* i. 262 b, 1.

<sup>2</sup> *D. B.* ii. 312 a.

<sup>3</sup> *D. B.* i. 366 b, 2.

<sup>4</sup> *Id.* 189 a, 1.

<sup>5</sup> *Id.* 154 b, 2.

<sup>6</sup> *Id.* 252 a, 1.

<sup>7</sup> *Id.* 262 b, 1.

<sup>8</sup> *Id.* 298 b, 2.

<sup>9</sup> *Id.* 179 a, 1.

<sup>10</sup> *Id.* 269 a.

<sup>11</sup> *Eng. Hist. Rev.* xv. 302.

<sup>12</sup> *D. B.* i. 4 b, 1.

<sup>13</sup> *Id.* 263 a, 1.



At Lewes 'the adulterer and the ravisher shall amend in 8s. 4d., the man and the woman alike; the king has the [fine from the] man, and the archbishop [that from the] woman<sup>1</sup>.' And a like sum of 8s. 4d. was exacted for bloodshed and from a fugitive if he were recaptured. This latter probably refers to a fugitive burgess, as we learn from the Norwich survey<sup>2</sup> that certain burgesses had fled that town on account of the exactions to which they were subject.

### 9. BOROUGH PROPERTY.

There is scarcely any point raised by the descriptions of the boroughs in Domesday Book which has caused more diversity of opinion than the question whether the burgesses as a body possessed any property as opposed to the property belonging to individuals. Before discussing the matter, it will be best to have before us all the evidence that may possibly bear on the point.

CANTERBURY. (The) burgesses had 45 masures without the city of which they had gablum and custom but the King had sac and soc. (The) same burgesses had of the King 33 acres in their gild.

Ralph of Columbels has these acres and this land; he has also 80 acres additional which (the) burgesses held in alodium of the King . . . and invokes the Bishop of Bayeux as protector<sup>3</sup>.

(The) burgesses of Canterbury held these lands T. R. E. and until the Bishop of Bayeux took them from them<sup>4</sup>.

EXETER. (The) burgesses of Exeter have without the city 12 ploughlands which yield no custom except to the city itself<sup>5</sup>.

OXFORD. All burgesses of Oxford have in common without the wall a pasture yielding 6s. 8d.<sup>6</sup>

CAMBRIDGE. (The) burgesses of Cambridge claim of Picot a common pasture which he took away from them<sup>7</sup>.

COLCHESTER. In common among the burgesses [*in commune burgensium*] 80 acres of land and around the walls 8 perches of which (the) burgesses have 60s. a year for the King's service if need be; but if not they divide it in common<sup>8</sup>.

NORWICH. And in the borough (the) burgesses hold 43 chapels<sup>9</sup>.

<sup>1</sup> D. B. i. 26 a, 1.    <sup>2</sup> D. B. ii. 117 b.    <sup>3</sup> D. B. i. 2 a, 1.    <sup>4</sup> Id. 9 b, 1.

<sup>5</sup> Id. 100 a, 1.

<sup>6</sup> Id. 154 a, 2.

<sup>7</sup> Id. 189 a, 1.

<sup>8</sup> D. B. ii. 107 a.

<sup>9</sup> Id. ii. 117 a.

In reading these extracts we must remember that the Latin language knows no definite article, although, on the other hand, Domesday Book usually states the number of persons owning a number of houses ; e. g.

WARWICK. There are in the borough 19 burgesses who have 19 houses with sac and soc and all customs<sup>1</sup>.

The Exeter and Colchester evidence appears to show the existence of certain land belonging to those towns, the rents of which went to relieve the individual burgesses of a proportion of their payments to the king.

Every Oxford man knows and has walked over Port Meadow, a tract of land to the north-west of the city, whose soil is now vested in the corporation of the city, and where all the Free-men have common of pasture without stint. The common pasture at Cambridge appropriated by Picot the sheriff was probably a tract of land like Port Meadow : but the existence of common pasture can scarcely be evidence of the existence of borough property ; the inhabitants of most villages had common of pasture, but could not on that account claim the ownership of the land over which their beasts grazed.

The omission of the number in the other entries may indicate that the properties there mentioned belonged to the burgesses as a body : yet can we imagine that the whole body of burgesses at Norwich (665 in number) owned forty-three chapels, and jointly exercised their right of patronage ? —especially as no other property is recorded there which could by any method of interpretation be considered as borough property.

On the other hand, we must compare with the Canterbury extracts a passage on the preceding page of Domesday Book in the survey of Dover :

(The) burgesses gave the King 20 ships once a year for 15 days with 21 men in each in order that he would give them sac and soc<sup>2</sup>.

No one could suggest in this case that the burgesses individually bargained with the king for the privilege ; this must have been a collective bargain on the part of all the

<sup>1</sup> *D. B.* i. 238 a, 1.

<sup>2</sup> *Id.* 1 a, 1.

burgesses, and if the burgesses of Dover could make a collective bargain, surely at Canterbury, only twenty miles away, they could hold property collectively.

With the statement that the burgesses of Canterbury held thirty-three acres in their gild must be compared the statement that the archbishop had in Canterbury 'thirty-two masures which the clerks of the town held in their gild'<sup>1</sup>.

In conclusion, there appears to have been property belonging to the burgesses as a body at Exeter and Colchester, but the other cases are doubtful<sup>2</sup>.

#### 10. VALUES AND RENDERS.

We have now studied every source whence profit might arise to the king within a borough, and are in a position to ask what the Conqueror estimated he ought to receive from the boroughs and what were his actual receipts. In almost every case Domesday Book gives us this information: the receipts of the two boroughs of Warwick<sup>3</sup> and Leicester<sup>4</sup> were returned jointly with those of the two shires, but in other cases, the borough receipts are given separately; but it is when we come to ask how these receipts are made up that we are at a loss. In only one case are details given which correspond with the total, and that is at Huntingdon<sup>5</sup>, whose render of £30 was made up as follows:

	Total.	To the King.			To the Earl.		
	£	£	s.	d.	£	s.	d.
Landgable	10	6	13	4	3	6	8
The firma burgi	30	20	0	0	10	0	0
3 Minters	2	1	6	8	0	13	4
The Mill	3	2	0	0	1	0	0
	£45	£30	0	0	£15	0	0

After the Conquest the landgable was diminished by 16s. 8d. on account of the houses destroyed for the castle, and the minters ceased to make any payment—and yet £30 was rendered as before.

<sup>1</sup> *D. B.* i. 3 a, 1.

<sup>2</sup> See App. § 3.

<sup>3</sup> *D. B.* i. 238 a, 1.

<sup>4</sup> *Id.* 230 a, 1.

<sup>5</sup> *Id.* 203 a, 2.



Shrewsbury, too, rendered £30 T. R. E., but the only item of this amount which is given in Domesday Book is £7 16s. 8d. from landgable—but here the forfeitures are given and are apparently very heavy<sup>1</sup>.

Earl Hugh received for the city of Chester from a man named Mundret £70 and a mark of gold; yet the only specific items given in the survey are ten and a half marks of silver for geld, and £7 from the minters; but here again the forfeitures are numerous and heavy<sup>2</sup>. Lewes was worth £34 and 112s. for new coin; yet all the information we have about its revenues, other than specific market-tolls and forfeitures, is that 'T. R. E. it rendered £6 4s. 1½d. from gablum and toll and now 38s. more,' and that each minter paid 20s. when the coinage was renewed<sup>3</sup>. How were the balances of £22 3s. 4d. at Shrewsbury and £56 at Chester made up? The forfeitures and fines would probably account for a fair sum, but not for all this amount.

Attention has already been called to the absence of information about the borough market in most of the county boroughs: is it not possible that the markets were so essential to the existence of a borough that it was deemed unnecessary to mention them? and that the market-tolls at Shrewsbury and Chester returned a considerable proportion of the unspecified balances?

There are several instances where the respective amounts of gablum and toll are given: at Pevensey the gablum realized 39s. and the toll £4<sup>4</sup>; at Taunton the burgesses rendered 32s. and the market 50s.<sup>5</sup>; at Ilchester the burgesses rendered 20s. and the market with its appendages £11<sup>6</sup>; at Tewkesbury the burgesses rendered 20s. and the market realized only 11s. 8d.<sup>7</sup>; at Pershore twenty-eight burgesses rendered 30s. and the toll amounted to 12s.<sup>8</sup>; at Bradford-on-Avon thirty-three burgesses rendered 35s. 9d. and the market 45s.<sup>9</sup> Many of these boroughs are not composite boroughs, but the render of the burgesses in the simple boroughs was similar

<sup>1</sup> *D. B.* i. 252a, 1.    <sup>2</sup> *Id.* 262b, 2.    <sup>3</sup> *Id.* 26a, 1.    <sup>4</sup> *Id.* 20b, 1.

<sup>5</sup> *Id.* 87b, 1.    <sup>6</sup> *Id.* 86b, 1.    <sup>7</sup> *Id.* 163b, 1.

<sup>8</sup> *Id.* 174b, 1.    <sup>9</sup> *Id.* 67b, 1.

to the gablum paid by the burgesses in demesne in the composite boroughs. From these figures we are led to believe that the receipts from the market were at least double the rent paid by the burgesses; and if the market tolls at Shrewsbury can be reckoned on this scale we can account for at least £15 13s. 4d. of the balance, leaving only £6 10s. to be realized from the fines and forfeitures.

In whatever manner the amounts were made up, the renders of the boroughs had substantially increased after the Conquest; in many cases the king received more than his expectations or the valuation. Thus T. R. E. Wallingford was valued at £30, later at £40, at the time when Domesday Book was compiled at £60, and yet it rendered £80<sup>1</sup>; Hertford rendered £7 10s. T. R. E., when sheriff Peter received it, £15, at the time of the survey, £20 burnt and weighed<sup>2</sup>; Rochester was worth 100s. T. R. E.; at the time of the survey it was valued at £20, and yet the tenant rendered £40<sup>3</sup>. The renders of Shrewsbury had increased from £30 to £40<sup>4</sup>; of Lincoln from £30 to £100<sup>5</sup>; of Norwich from £30 to £90<sup>6</sup>, and of Sandwich from £40 to £50<sup>7</sup>. Although there were in Oxford '478 houses so waste and destroyed that they could not pay geld,' yet the render of the city had increased from £30 to £60<sup>8</sup>. The renders of the Dorset boroughs are not recorded in Domesday Book, but each of the four had decreased in size since the times of King Edward: in Dorchester there were 100 houses destroyed, in Wareham 150, in Shaftesbury eighty, and in Bridport twenty; and the destruction of the houses in the three former boroughs is dated from the time of Hugh the sheriff<sup>9</sup>.

## II. THE FIRMA BURGI.

The fact that the values and renders are calculated in good round sums, most of them in multiples of £10, suggests that the actual sums received by the collectors were not paid to the king, but that the collectors agreed to pay him a fixed sum,

<sup>1</sup> *D. B. i.* 56 *b.* 1.

<sup>2</sup> *Id.* 132 *a.* 1.

<sup>3</sup> *Id.* 2 *a.* 1.

<sup>4</sup> *Id.* 252 *a.* 1.

<sup>5</sup> *Id.* 336 *b.* 1.

<sup>6</sup> *D. B. ii.* 117 *a.* & *b.*

<sup>7</sup> *D. B. i.* 3 *a.* 1.

<sup>8</sup> *Id.* 154 *a.* 1.

<sup>9</sup> *Id.* 75 *a.* 1.

and, if the receipts from the borough exceeded this sum, made a profit for themselves; this fixed sum was called the *firma burgi*, a term well known to students of later municipal history, when it was the ambition of every borough to obtain a grant of the *firma burgi*, so that there should be no financial intermediary between it and the king.

Mention is made of the firmars (*ii qui tenent*) of Canterbury<sup>1</sup>, Rochester<sup>2</sup>, Colchester<sup>3</sup> and Reading<sup>4</sup>; and of Ipswich we read:

Roger the sheriff gave the whole to farm at £40 (to be paid) at Michaelmas. Afterwards he could not have the cess (*censum*) and of this he pardoned 60s.; now it renders £37<sup>5</sup>.

Stamford 'gives £50 at farm<sup>6</sup>': and we have already noticed that Chester was farmed of the earl by Mundret for £70 and a mark of gold<sup>7</sup>. When the archbishop received Sandwich it rendered £40 de firma, and 40,000 herrings<sup>8</sup>; and similarly Wallingford rendered £80 de firma<sup>9</sup>. The Huntingdon evidence quoted above<sup>10</sup> shows that part only of the revenues of a borough could be farmed, for there the *firma burgi* was calculated T. R. E. separately from the landgable and the receipts from the mill and the mint, but the fisheries were included in the farm; and at Chester<sup>11</sup> and Shrewsbury<sup>12</sup> we find payments *extra firmam*.

We have already seen that for many boroughs the sheriff was accountable, and this would show that he farmed these boroughs; he or his officers collected the dues from which he paid the *firma burgi* to the king, and presumably made a profit. But at Hereford the *praepositus* farmed the city direct from King Edward<sup>13</sup>; the *praepositus* was the farmer at Dover also<sup>14</sup>, and paid £24 to the king and £30 to the earl.

In one case only do the burgesses appear to have farmed the borough at the time of Domesday Book: at Northampton

<sup>1</sup> *D. B.* i. 2a, 1.      <sup>2</sup> *Id.* 2a, 1.      <sup>3</sup> *D. B.* ii. 107 b.      <sup>4</sup> *D. B.* i. 58a, 1.

<sup>5</sup> *D. B.* ii. 290 b.      <sup>6</sup> *D. B.* i. 336 b, 2.      <sup>7</sup> *Id.* 262 b, 2.

<sup>8</sup> *Id.* 3a, 1.      <sup>9</sup> *Id.* 56a, 2.      <sup>10</sup> *Id.* 203a, 2.      <sup>11</sup> *Id.* 262 b, 2.

<sup>12</sup> *Id.* 252a, 1.      <sup>13</sup> *Id.* 179a, 1.      <sup>14</sup> *Id.* 1a, 1.



'the burgesses render to the sheriff £30 10s. per annum, and this belongs to his farm<sup>1</sup>'; so that they were accountable to the sheriff, and did not farm the borough directly of the king.

One of the earliest instances of an agreement between the burgesses of any borough and the king for the farm of that borough was at Lincoln, where in 1130 'the citizens gave to the king 200 marks of silver and a mark of gold, that they might hold the city in chief<sup>2</sup>.'

In the twelfth-century Pipe Rolls the word *gersuma* signifies the premium paid by a firmar for the privilege of farming a manor or a borough; Domesday Book, in the majority of cases, uses the word in the same significance. Hence we see that the *gersuma* of 100s. from Colchester was the premium paid to the sheriff by Bishop Walchelin for the privilege of farming that borough<sup>3</sup>; and similarly the farmer of Canterbury paid a premium of 110s. to the sheriff of Kent<sup>4</sup>, although in this case the word *gersuma* is not used. Possibly the *gersuma* of £4 paid by the burgesses of Yarmouth to the sheriff was also a premium paid for the farm of the borough, although the statement that 'the burgesses pay these £4 voluntarily and of friendship' may be inserted to show that the word is not used in its ordinary signification<sup>5</sup>. Two *gersumae* were paid out of the revenues of Norwich—one of 20s. by tale, of which the recipient is not stated, and the other of 100s. by tale to the queen<sup>6</sup>; and similar payments to the queen were made out of the revenues of Oxfordshire<sup>7</sup> and Warwickshire<sup>8</sup>.

<sup>1</sup> *D. B.* i. 219 a, 1.

<sup>2</sup> *D. B.* ii. 107 b.

<sup>3</sup> *Id.* ii. 117 b.

<sup>4</sup> Stubbs's *Con. Hist.* i. 411.

<sup>5</sup> *D. B.* i. 2 a, 1.

<sup>6</sup> *D. B.* i. 154 b, 2.

<sup>7</sup> *D. B.* ii. 118 b.

<sup>8</sup> *Id.* 238 a, 1.

## CHAPTER V

### THE SIMPLE BOROUGHES

BEFORE passing on to the consideration of the simple boroughs let us sum up the characteristics of the composite, and especially of the county boroughs, at the time of the Conquest.

(1) They were not said to be holden by any one, neither by the king nor the earl<sup>1</sup>.

(2) They were characterized by *tenurial heterogeneity*, that is to say, that while many of the houses were in the king's demesne, yet a larger or smaller proportion belonged to the landowners as appurtenances to their rural estates<sup>2</sup>.

(3) These contributed houses contained burgesses who performed the duties of their lords as regards the fortification of the borough<sup>3</sup>.

(4) Some of these boroughs were subject to a special geld which was reckoned in units of marks<sup>4</sup>.

(5) Their renders were accounted for by the sheriff<sup>5</sup>, except at Hereford and Dover, where the praepositus accounted for them<sup>6</sup>.

(6) T. R. E. the earl received the third penny of their renders<sup>7</sup>.

(7) Their burgesses rendered military services, and other services of a somewhat similar nature<sup>8</sup>.

(8) There were many immunities within their walls; some of the county landowners and burgesses had sac and soc in their own houses and over their tenants<sup>9</sup>.

The quasi-county boroughs differed from the county boroughs in one or another of these points: the majority of them were characterized by *tenurial heterogeneity*, but

<sup>1</sup> See p. 4.    <sup>2</sup> See pp. 11-31.    <sup>3</sup> See pp. 31-5.    <sup>4</sup> See pp. 66, 70.

<sup>5</sup> See p. 45.

<sup>6</sup> See p. 46.

<sup>7</sup> See p. 41.

<sup>8</sup> See pp. 80-2.

<sup>9</sup> See pp. 47-51.

some of them were said to be holden by the king or one of his barons: those that were not characterized by *tenurial heterogeneity* are placed in this class because they possessed one or another of the distinguishing marks of the county boroughs; thus Fordwich<sup>1</sup>, Totnes<sup>2</sup> and Axbridge<sup>3</sup> paid the third penny of their renders to the earl before the Conquest; and Lidfild<sup>4</sup> and Totnes<sup>5</sup> joined Barnstaple in performing specific military services; Totnes also paid the special geld in units of marks.

Now if we refer back to the valuation of Steyning on page 6 we shall see that it differs in every respect from the typical county borough, and in most respects from the quasi-county boroughs. In the first place it was entirely holden by the Abbot of Fécamp; all the burgesses were his men, and no other county magnate had any part or lot in the borough, nor did the earl receive the third penny of its render; the burgesses did not pay the special geld which was reckoned in units of marks, and, instead of performing military services, worked at the Court T. R. E. as the other villains. And, finally, it is valued in the hundred of which it forms part, and the value of the whole property is returned in a lump sum of which the render of the burgesses is only a part.

That Steyning may be fairly taken as a typical simple borough will be seen if we compare it with other boroughs of the same class in other parts of the country.

First, take four small boroughs in Hertfordshire:

#### IN ODSEY HUNDRED.

(1) The Abbot of Westminster holds ASHWELL: it vouches for 6 hides: there is land for 12 ploughs. . . . (Then follows the usual description of an agricultural property.) . . . There are 14 burgesses and 9 cottars. Of the toll and other customs of the borough 49s. 4d. . . . In the whole it was and is worth £20. T. R. E. £32<sup>6</sup>.

#### IN ST. ALBANS HUNDRED.

(2) The vill of ST. ALBANS vouches for 10 hides. . . . There are 46 burgesses. Of the toll and other rents of the vill £11 14s. In the whole it is worth £20. The aforesaid burgesses hold half a hide<sup>7</sup>.

<sup>1</sup> D. B. i. 12 a, 2.

<sup>2</sup> Id. 101 a, 2.

<sup>3</sup> Id. 87 a, 2.

<sup>4</sup> Id. 100 a, 2.

<sup>5</sup> Id. 108 b, 1.

<sup>6</sup> Id. 135 b, 1.

<sup>7</sup> Id. 135 b, 1.



## IN TRING HUNDRED.

(3) The Earl of Mortain holds BERKHAMPSTEAD. It vouches for 13 hides: there is land for 26 ploughs. . . . In the little borough (*burbiūm*) of this vill 52 burgesses render of toll £4, and have half a hide. . . . In the whole it is worth £16<sup>1</sup>.

## IN BRAUGHING HUNDRED.

(4) Ralph, brother of Ilger, holds in STANSTEAD 17 hides and half a virgate. . . . There are 4 villains with the priest and the praepositus of the vill. . . . There are also 7 burgesses who render with other customs of the meadow and wood 23s<sup>2</sup>. In the whole it is worth £17.

## Similarly in Suffolk:

(5) LAND OF RICHARD SON OF EARL GILBERT.

RISEBURGE HUNDRED.—Alvric held CLARE for a manor of 24 ploughlands T. R. E. . . . Always a market; now 47 burgesses. . . . (It pays) 15*d.* towards geld (15*d. de geldo*)<sup>3</sup>.

(6) LAND OF THE ABBOT OF ST. EDMUND'S.

WANNEFORD HUNDRED.—St. Edmund holds BECCLES. . . . And one market and 26 burgesses. The Abbot has three parts of the market and the King the fourth part. . . . Then the manor rendered 30,000 herrings; now 60,000 herrings<sup>4</sup>.

## Go north into Yorkshire:

(7) In POCKLINGTON with three berewicks are . . . among all 55½ geldpaying carucates and there can be 30 ploughs there. . . . Now there are in the King's hands 15 burgesses having 7 ploughs, and a mill rendering 2s.<sup>5</sup>

## SIRACHES WAPENTAKE.

(8) In PONTEFRACT (Tateshale) are 16 carucates quit of geld where there can be 9 ploughs. The King had this manor; now Ilbert de Lacy has there 4 ploughs and 60 minute burgesses and 16 cottagers and 16 villains and 8 bordars having 18 ploughs. . . . T. R. E. it was worth £20. Now £15<sup>6</sup>.

## In Lincolnshire:

(9) In LOUTH the Bishop of Lincoln has 12 geldpaying carucates. There is land for 12 ploughs. The Bishop now has in demesne 3 ploughs and 80 burgesses and one market of 29s., and 40 sokemen and 2 villains. Among all they have 13 ploughs and 13 mills rendering 60s. . . . T. R. E. it was worth £12. Now £22<sup>7</sup>. Tailla £3.

## In Nottinghamshire:

(10) In NEWARK with 2 berewicks. . . . Countess Godiva had 7 geldpaying carucates and 2 bovates. Land for 26 ploughs. There Bishop

<sup>1</sup> *D. B. i. 136b, 1.*    <sup>2</sup> *Id. 138b, 1.*    <sup>3</sup> *D. B. ii. 389b.*    <sup>4</sup> *Id. ii. 369b.*

<sup>5</sup> *D. B. i. 299b, 1.*

<sup>6</sup> *Id. 316b, 1.*

<sup>7</sup> *Id. 345a, 1.*

Remigius has in demesne 7 ploughs and 56 burgesses and 42 villains and 21 bordars having 20½ ploughs. . . . T. R. E. it was worth £50: now £34<sup>1</sup>.

Take our last three examples from Worcestershire, Wiltshire and Devon respectively:

(11) The Church of St. Peter at Westminster holds **PERSHORE**. There are 200 hides. . . . There 28 burgesses render 30s. and the toll renders 12s.<sup>2</sup>

(12) The King holds **WARMINSTER**; King Edward held it. It did not geld nor is it hidid. There is land for 40 ploughs. In demesne are 6 ploughs and 24 slaves and 13 swineherds. There are 15 villains and 8 cottagers and 14 coliberti with 36 ploughs. . . . There are 30 burgesses. This manor renders the farm of one night with all its customs<sup>3</sup>.

(13) Baldwin the sheriff holds of the King **OKEHAMPTON**, and there is his castle. It gelded for three virgates and 1 ferling. . . . There are 4 burgesses and a market rendering 4s.<sup>4</sup>

It will be at once noticed that none of these differs in any material respect from Steyning: every one of them is owned by a single person; and neither the earl nor the sheriff has any interest in them. The burgesses rendered no special military services; at Pocklington, Louth and Newark they appear to have been agriculturists, and possibly 'worked at the court,' as the burgesses of Steyning: but at St. Albans and Berkhamstead they each held little more land than would be held by a cottager.

Of these fourteen examples (including Steyning), taken at random from all parts of the kingdom, eight are stated to have markets—that is, if the mention of toll implies a market, as was previously assumed: and this proportion might suggest that the establishment of a market raised a village to the rank of a borough; and the evidence of Tewkesbury points in the same direction.

#### THE LAND OF THE KING.

In **TEWKESBURY** were T. R. E. 95 hides. . . . In Gloucester there were 8 burgesses rendering 5s. 4d. and serving at the Court. . . . At Tewkesbury now are 13 burgesses rendering 20s. per annum: a market which the Queen established there renders 11s. 8d.<sup>5</sup>

Thus it would seem as if the establishment of a market at Tewkesbury had converted Tewkesbury into a borough,

<sup>1</sup> D. B. i. 283 b, 2.

<sup>2</sup> Id. 174 b, 1.

<sup>3</sup> Id. 64 b, 2.

<sup>4</sup> Id. 105 b, 2.

<sup>5</sup> Id. 163 b, 1.

and had recalled its contributed burgesses from Gloucester. On examination we find that markets are specifically mentioned at Beccles<sup>1</sup>, Bradford-on-Avon<sup>2</sup>, Clare<sup>3</sup>, Eye<sup>4</sup>, Louth<sup>5</sup>, Okehampton<sup>6</sup>, Taunton<sup>7</sup>, Totbury<sup>8</sup> and Tewkesbury<sup>9</sup>, and that toll was a source of income at Ashwell<sup>10</sup>, Berkhamstead<sup>11</sup>, Pershore<sup>12</sup> and St. Albans<sup>13</sup>, and that no markets are recorded at Bedwyn<sup>14</sup>, Bridlington<sup>15</sup>, Castle Clifford<sup>16</sup>, Newark<sup>17</sup>, Penwortham<sup>18</sup>, Pocklington<sup>19</sup>, Quatford<sup>20</sup>, Rye<sup>21</sup>, Seasalter<sup>22</sup>, Stanstead<sup>23</sup>, Steyning<sup>24</sup>, Pontefract<sup>25</sup>, Devizes<sup>26</sup>, Warminster<sup>27</sup> and Wigmore<sup>28</sup>. But, on the other hand, there were many market towns that were not boroughs.

BERKELEY (GLOS.). There is a market-place in which remain 17 men who pay *censum in firma*<sup>29</sup>.

BERTON (BERKS.). The Abbot of Abingdon holds Berton in demesne . . . And 10 merchants remaining before the gates of the Church rendering 40*d.*<sup>30</sup>

CHESHUNT (HERTS.). Earl Alan holds Cheshunt. It vouches for 20 hides. . . . There are 10 merchants rendering 10*s.* of custom<sup>31</sup>.

We have already noticed that, according to Domesday Book, there were no boroughs in Cornwall, and yet there were five market towns in the county—St. Germans<sup>32</sup>, Bodmin<sup>33</sup>, Launceston<sup>34</sup>, Liskeard<sup>35</sup> and Trematon<sup>36</sup>. The index to the Record Commission edition of Domesday Book mentions markets in forty-two places, of which thirty-one are not called boroughs. So we must conclude that, while a market was possibly an appurtenance of a borough, its establishment did not convert a village into a borough or confer borough rights.

Like Calne, Reading was a borough on an agricultural

<sup>1</sup> *D. B.* ii. 369 *b.*

<sup>2</sup> *D. B.* i. 67 *b.* 1.

<sup>3</sup> *D. B.* ii. 389 *b.*

<sup>4</sup> *Id.* ii. 319 *b.*

<sup>5</sup> *D. B.* i. 345 *a.* 1.

<sup>6</sup> *Id.* 105 *b.* 2.

<sup>7</sup> *Id.* 87 *b.* 1.

<sup>8</sup> *Id.* 248 *b.* 1.

<sup>9</sup> *Id.* 163 *b.* 1.

<sup>10</sup> *Id.* 135 *b.* 1.

<sup>11</sup> *Id.* 136 *b.* 1.

<sup>12</sup> *Id.* 174 *b.* 1.

<sup>13</sup> *Id.* 135 *b.* 1.

<sup>14</sup> *Id.* 64 *b.* 2.

<sup>15</sup> *Id.* 299 *b.* 1.

<sup>16</sup> *Id.* 183 *a.* 2.

<sup>17</sup> *Id.* 283 *b.* 2.

<sup>18</sup> *Id.* 270 *a.* 1.

<sup>19</sup> *Id.* 299 *b.* 1.

<sup>20</sup> *Id.* 254 *a.* 1.

<sup>21</sup> *Id.* 17 *a.* 2.

<sup>22</sup> *Id.* 5 *a.* 1.

<sup>23</sup> *Id.* 138 *b.* 1.

<sup>24</sup> *Id.* 17 *a.* 2.

<sup>25</sup> *Id.* 316 *b.*

<sup>26</sup> *Id.* 65 *a.* 1.

<sup>27</sup> *Id.* 64 *a.* 2.

<sup>28</sup> *Id.* 183 *b.* 1.

<sup>29</sup> *Id.* 163 *a.* 1.

<sup>30</sup> *Id.* 58 *b.* 1.

<sup>31</sup> *Id.* 137 *a.* 1.

<sup>32</sup> *Id.* 120 *b.* 1.

<sup>33</sup> *Id.* 120 *b.* 2.

<sup>34</sup> *Id.* 120 *b.* 1.

<sup>35</sup> *Id.* 121 *b.* 1.

<sup>36</sup> *Id.* 122 *a.* 1.



estate, which contained houses belonging to others than the owner of the estate.

The King holds READING in demesne. . . . Then and now it vouched for 43 hides. . . . T. R. E. and afterwards it was worth £40. Now £48.

In the borough of READING the King has 28 haws rendering £4 3s. for all customs. Yet he who holds it pays 100s.

Henry of Ferrers has there 1 haw and half a virgate of land in which are 3 acres of meadow. They are worth 6s. Godric the sheriff held this land *ad hospitium*. Henry holds it in this manner.

Rainbald the son of Peter the Bishop held 1 haw which he drew into his manor of Earley. Now it is in the hands of the King and is worth 16d.<sup>1</sup>

The King holds EARLEY in demesne. . . . 1 haw in Reading<sup>2</sup>.

The Abbot of Battle holds in Reading a church with 8 hides there pertaining to it. . . . In Reading 29 masures of 28s. 8d. and 12 acres of meadow<sup>3</sup>.

We are thus enabled to see how it probably came to pass that Reading developed from a simple into a quasi-county borough, or rather, from a homogeneous into a heterogeneous borough. Rainbald the son of Peter the Bishop owned the estate of Earley: one of his tenants on that estate was also tenant of a house in the borough of Reading under King Edward, and Rainbald 'drew' that house into his manor of Earley in the same way as the praepositus of the Bishop of Bayeux converted the houses at Guildford into the manor of Bromley; possibly his methods were an assertion of a claim to the rent of the house, or to sac and soc over it. Eventually King William obtained possession of the manor of Earley, and the house in Reading again became royal property, but it evidently did not cease to be an appurtenance of Earley. With regard to the church which belonged to Battle Abbey, we know from the *Chronicle* of the abbey that it was part of the Conqueror's endowment of the abbey<sup>4</sup>: so that it would seem that one method of transforming a simple into a composite borough was for the king or its owner to give some of the houses therein to a second party. Royal gifts to the church of portions of the royal

<sup>1</sup> D. B. i. 58 a, 1.

<sup>2</sup> Id. 57 a, 2.

<sup>3</sup> Id. 60 a, 1.

<sup>4</sup> *Chron. Battle Abbey*, p. 35.

property in certain boroughs may account for the heterogeneity of many of the smaller and less important boroughs, such as Twineham.

Taunton was a simple borough, but the enumeration of the customs pertaining to Taunton is very lengthy, and therefore deserves quotation in full:

The Bishop of Winchester holds TAUNTON, and it gelded T. R. E. for 54 hides and 2½ virgates. There is land for 100 ploughs. Besides these, the Bishop has in demesne land for 20 ploughs which never gelded. There he has 13 ploughs. There are 80 villains and 82 bordars and 70 slaves and 16 coliberti and 17 swineherds rendering £7 10s. Between them all, they have 60 ploughs. There are there 64 burgesses rendering 32s., and three mills rendering 95s., and a market rendering 50s.: from the mint 50s. . . . When Bishop Walchelin received it, it rendered £50: now it renders £154 and 13d. with all its appurtenances and customs.

These customs pertain to Taunton: burgheristh, larceny, peacebreach, heinfare, hundred's pence, Peter's pence, churchshot. Thrice in the year the Bishop's pleas are held without a summons. Service in expeditions with the men of the Bishop. These aforesaid customs are rendered unto Taunton by these lands. (Here follows a list of 16 properties.) The men of Bauueburge owe the same customs except militia [*fyrð*] and burial. From all these lands those who wish to take an oath or go to law come to Taunton. When the lords of these lands die, they are buried in Taunton<sup>1</sup>.

Taunton is the only simple borough mentioned in Domesday Book as having a mint, though we shall see that some of the boroughs of this type had mints before the Conquest; and it is the only borough of this class in connexion with which a court of law is mentioned. Of the customs which pertain to Taunton, *burgheristh* is probably the French scribe's mistake for *burh-geriht*, the borough right<sup>2</sup>; but as this borough right was said to be rendered to Taunton by rural properties, it is possible that it was merely *burh-bot*, and that it was the duty of these specified properties to repair the walls of the town, which we know from the *Chronicle* was an ancient border fortress against the Welsh of Cornwall: we already know 'larceny, peacebreach, and heinfare,' the three forfeitures which the Archbishop of Canterbury received

<sup>1</sup> *D. B.* i. 87 b, 1.

<sup>2</sup> *D. B.* and *B.* p. 88, n. 1.

from his burgesses at Romney<sup>1</sup>: Peter's pence are to-day paid by all good Roman Catholics, and Church-shot was a due in kind payable to the Church at Martinmas. But it must be remembered that these customs, with the possible exception of *burgheristh*, belonged to the manor and not to the borough exclusively; the Bishop of Winchester had secured a grant of jurisdiction of the highest type for his manor<sup>2</sup>, and if he enjoyed certain rights over his borough they would appear to be a corollary of his rights over the manor rather than intrinsic appurtenances of the borough. In connexion with no other simple borough do we find traces of any of them, and we must therefore regard Taunton as abnormal.

The Reading survey might suggest that the occupation of a house at a fixed money rent, as opposed to a service rent (i.e. the occupancy of a burgage tenement) made a man a burgess, and distinguished him from the villains and bordars; but this generalization is contradicted by the Windsor evidence:

The King holds WINDSOR in demeane. . . . (for an agriculture estate)  
. . . Now there are in the vill 95 haws. Of these 26 are quit of gablum,  
and from the others arise 30s.<sup>3</sup>

Here we have a vill that is not styled a borough, and yet contains houses yielding gablum—in other words, houses that in a borough would be burgage tenements: so that, unless this is the exception that proves the rule, a tenement at a money rent does not necessarily imply a borough.

Differing from Steyning only in the fact that they are not definitely stated to be situate in some agricultural manor are the little boroughs which had grown up under the walls of some baron's castle. The castles of Clifford<sup>4</sup>, Okehampton<sup>5</sup>, Penwortham<sup>6</sup>, Rhuddlan<sup>7</sup>, Totbury<sup>8</sup> and Wigmore<sup>9</sup> are expressly mentioned in connexion with the boroughs of the same names, and of these, Clifford, Rhuddlan and Wigmore were said to have been built on land that was waste before

<sup>1</sup> See p. 86.

<sup>2</sup> *D. B.* and *B.* p. 87.

<sup>3</sup> *D. B.* i. 56 b, 1.

<sup>4</sup> *Id.* 183 a, 2.

<sup>5</sup> *Id.* 105 b, 2.

<sup>6</sup> *Id.* 270 a, 1.

<sup>7</sup> *Id.* 269 a.

<sup>8</sup> *Id.* 248 b, 1.

<sup>9</sup> *Id.* 183 b, 1.



the Conquest ; and therefore the boroughs were of the creation of William I. Although Totbury is styled a borough, yet its inhabitants are not styled burgesses :

IN PIREHOLLE HUNDRED.

Henry of Ferrers has the castle of TOTBURY. In the borough about the castle are 42 men living from their own merchandise only, and yielding with the market-place £4 10s.<sup>1</sup>

Evidently there was a great difference between them and the agricultural burgesses of Pocklington, Louth and Newark. From other evidence we know that along with Totbury and the others before mentioned should be classed Clare and Berkhamstead.

Another example of a borough containing no burgesses is Seasalter :

In the same Borowart Lest lies a small borough by name SEASALTER, which belongs to the kitchen of the Archbishop. A certain man by name Blize holds it of the monks. In demesne is one plough and 48 bordars with one plough. There is a church and 8 fisheries with gablum of 25s. Wood for 10 pigs. T.R.E. and afterwards it was worth 25s.<sup>2</sup>

It is useless to attempt from the evidence afforded by Domesday Book to define the difference between a borough on an agricultural estate and a village: neither the existence of a market or of haws nor the mention of gablum are the infallible signs of a borough. One thing is clear—that the elevation of a village to the rank of a borough did not sever its connexion with the hundred in which it lay. It will be noticed that most of the descriptions of the simple boroughs above quoted begin by stating the hundred to which they belonged ; the only exceptions are in the counties where the Domesday commissioners do not mention the hundreds ; and this corroborates our previous contention that the existence of a burg-mote did not oust the jurisdiction of the hundred-mote.

This study of the simple boroughs may throw some light on the general question of the origin of boroughs: of our thirty-two simple boroughs, only one—Steyning—is definitely

<sup>1</sup> *D. B.* i. 248 *b*, 1.

<sup>2</sup> *Id.* 5 *a*, 1.

stated by Domesday Book to have had the status of a borough before the Conquest: from other sources we know that Taunton was in the possession of borough-right from the reign of Edward the Elder onwards; and we shall see that these two boroughs with Bedwyn were the only simple boroughs (styled boroughs in Domesday Book) that had mints before the Conquest. All these simple boroughs had apparently grown up on the demesne land of the king or some landowner; and, if our arguments are correct as to the share of the earl in a composite borough<sup>1</sup>, they are the only boroughs of which this can be said with certainty<sup>2</sup>. Possibly these facts may indicate that the majority of the simple boroughs were post-conquest creations; if so, it would appear that the code of municipal customs (if such a term may be applied to the ill-assorted array we have been considering) must have grown up in the older county boroughs, and that such portions thereof as were applicable to the newer boroughs were, by a stroke of the Conqueror's pen, granted to them—in the same manner as a grant of royal letters patent will to-day confer on the mushroom manufacturing towns of the North of England the benefit of that code of municipal experience which we in the older boroughs have gained only in the course of centuries.

<sup>1</sup> Ante, pp. 38, 41-43.

<sup>2</sup> But this statement must be modified as regards some of the Wilts and Somerset boroughs: Axbridge was situate on the manor of Cheddar (*D. B.* i. 86 a, 2), Langport on Somerton (*D. B.* i. 86 a, 2), Milbourne and Ilchester on Milbourne (*D. B.* i. 86 b, 1), and Calne on the manor of the same name (*D. B.* i. 64 b, 2); so that these boroughs would appear to have grown up on the royal demesne: and, as at Steyning, the render of the whole property is stated as a lump sum, of which the render of the burgesses forms only a part (pp. 6, 95). On the other hand, as in the composite boroughs, the third penny of all is separately accounted for, and all, except Axbridge, contained burgesses belonging to other lords.

## APPENDIX

### THE PRE-DOMESDAY BOROUGHES

Now that the descriptions of the boroughs in Domesday Book have been analysed, we may pass on to consider the evidence afforded by the Old-English conveyances and laws, and by the incidental references in the *Chronicle*, concerning the condition of the boroughs before the Norman Conquest ; and it must be premised that, although we have felt inclined to complain of the lack of material in Domesday Book, the pre-Domesday evidence is still more scanty. There are less than a hundred conveyances relating to urban properties, and the whole of the laws relating to the boroughs would not fill half a dozen pages of this book ; but, such as it is, that scanty evidence may be treated in somewhat the same way as the Domesday evidence.

#### 1. THE BOROUGH AS A STRONGHOLD.

That our Old-English ancestors were lovers of the country, and, like the Bedawin of to-day, hated to be cooped up in towns, is a truism for which no authority need be quoted ; and yet, within a very few years of their landing in Britain, some of them became town-dwellers ; the present cathedral city of Sussex may have been inhabited before the end of the fifth century. Nor would the reason for its occupation be hard to seek : till the power of the Britons had been broken by the fall of Anderida they could raid the lowlands from the downs, which even now are fringed on their southern slopes with extensive woods. As a refuge from the raiders some fortifications were necessary for the wives, children and cattle of the settlers, and they would find these fortifications ready to hand in the old walls of the Roman city. Possibly in the Britain of the fifth, sixth and seventh centuries, as



Professor George Adam Smith says of the Hauran of to-day, 'the great towns have become shells in which little clans huddle for shelter'.<sup>1</sup>

But it is in Kent that we find the earliest and most trustworthy records of the town-dwelling English; the first conveyance printed by Kemble in the *Codex Diplomaticus* is a conveyance of a plot of land in Rochester, of which the boundaries were 'from Southgate west along the wall, on the north lane to the street, and so east from the street along Doddingtonhyrnan to Bradgate<sup>2</sup>': this is dated 604, and shows that before that time (i. e. within a century and a half of their settlement in Kent) the invaders had kept up (or repaired) the Roman walls. The next two conveyances in the *Codex* are dated the following year, and relate to similar plots of land in Canterbury, one of which ran up to the Burhgate<sup>3</sup>. It is not, however, till the end of the next century that there is any large number of conveyances dealing with urban properties; most of them relate merely to plots within the walls of Canterbury and Rochester, which were described similarly to those already quoted, but some of them relate not only to houses within the walls but also to lands belonging to these houses without the walls; thus we find

- A.D. 765. Grant of a *viculus* within the fortifications of the castle of Rochester (*intra castelli moenia . . . Hrofecestri*) with two jugera of land<sup>4</sup>.  
 781. Grant of land within the fortifications of Rochester with four acres of meadow by the western island<sup>5</sup>.  
 823. Grant of land within the walls of Canterbury 60ft. by 30ft., with 25 acres *in arido campo* and 5 acres of meadow<sup>6</sup>.  
 832. Devise of a mansion in the Northern part of the wall of Canterbury, with the close pertaining to it<sup>7</sup>.  
 832. Grant of a villa in the City of Canterbury and 5 jugera and 2 meadows<sup>8</sup>.  
 839. Grant of a villa within the city of Canterbury with 24 acres pertaining to it<sup>9</sup>.

<sup>1</sup> *Hist. Geography of the Holy Land*, p. 638.

<sup>2</sup> *K.* 1.      <sup>3</sup> *K.* 2, 3.

<sup>4</sup> *K.* 113.

<sup>5</sup> *K.* 144.

<sup>6</sup> *K.* 217.

<sup>7</sup> *K.* 230.

<sup>8</sup> *K.* 1041.

<sup>9</sup> *K.* 241.

855. Grant of a *villam quam nos Saxonice an haga dicimus* in the south of the castle of Rochester, with 10 acres of land, 2 acres of meadow, 10 loads of wood, and common of marsh<sup>1</sup>.

904. Grant of a haw in Worcester with 120 acres of land at Barbourn<sup>2</sup>.

These conveyances would appear to show that in the ninth century there were houses in Canterbury, Rochester and Worcester to which certain lands were appurtenant, and are additional reason for doubting whether the Domesday entries of land belonging to the burgesses are evidence of borough property; but, on the other hand, the lands in two conveyances are said to be bounded by the 'burgesses meadows,' which may be evidence of certain meadows occupied by the burgesses in common<sup>3</sup>. If it were not stated that the 120 acres of land conveyed along with the Worcester house were situate at Barbourn, a place closely adjoining the city, we might be tempted to see at Worcester a typical village community settled within the walls of the deserted Roman city.

From the end of the seventh century onwards we find evidence that rural properties were charged with the *trinoda necessitas*, *burhbot*, *brigbot* and *fyrð*, a liability to repair the walls of the boroughs and the bridges, and to serve in the militia; hence we gather that the walls of Canterbury and Rochester, and of the other boroughs in the kingdom, were kept up by the villagers of the neighbourhood: we have seen that as late as the reign of Edward the Confessor one man went from each hide of land in Cheshire to repair the walls of Chester<sup>4</sup>, and a law of Athelstan prescribes that these repairs shall be carried out within a fortnight of Rogationtide<sup>5</sup>. One would naturally argue that, if the repair of the walls was a common charge upon the villagers of a district, the stronghold formed by those walls would be available for them in times of peril: the English name of the capital of Kent is evidence of this—Cant-wara-Burh = the stronghold of the inhabitants of Kent. Hence we are not surprised to find a conveyance dated 814 by which Coenwulf, King of the Mercians, gave to

<sup>1</sup> K. 276.

<sup>2</sup> K. 339.

<sup>3</sup> K. 259-82.

<sup>4</sup> Ante, p. 35.

<sup>5</sup> L. 157.

the Abbess of Lyminge 'a portion of land in the City of Canterbury for a refuge in case of necessity (*ad necessitatis refugium*), that is to say, six acres pertaining to the church of the Blessed Mary'<sup>1</sup>. Evidently the Abbey of Lyminge was exposed to the ravages of pirates, and a retreat in a stronghold was necessary for the safety of the nuns. Along with this charter should be read two others of about the same date.

811. Grant of 2 hides at Southhunningland at Graveney and 2½ haws in Canterbury<sup>2</sup>.

838. " 4 " Snoddingland and a house in Rochester<sup>3</sup>.

Possibly in both these cases we have grants of rural properties with town houses for places of refuge.

With the reign of Alfred, however, there begins a new phase in the history of the boroughs. According to the *Chronicle* it was in the year 894 that he made his famous tripartite division of the *fyrð*, the national militia: one part was to take the field, a second to be on furlough, while the others were to hold the 'burhs.' Five years later the king held a conference at Chelsea about the repair of London (*de instauratione Londoniæ*), and at that conference granted two several acres of land in the city to the Archbishop of Canterbury and the Bishop of Worcester<sup>4</sup>. And from the year 940 there is a great change in the forms of conveyance of town houses; there may be one or two conveyances of town houses merely, but the majority of these conveyances relate to town houses which are appurtenant to rural properties. These may be scheduled as follows:

A.D. 940. Grant of 10 hides at Wilely with a haw in Wilton<sup>5</sup>.

943. " 7 " Ticstead with a haw in Winchester<sup>6</sup>.

945. " 30 " Brightwell with land in Wallingford<sup>7</sup>.

945. " 5 " Mackney with land in Wallingford<sup>8</sup>.

956. " 7 " Millbrook with a haw in Southampton<sup>9</sup>.

961. Lease of 10 " Kilmiston with a haw in Winchester<sup>10</sup>.

961. Grant of 50 " Hurstbourn and 13 'praedia' in Winchester<sup>11</sup>.

963. Lease of 2½ " Oddingley and a haw in Worcester<sup>12</sup>.

<sup>1</sup> K. 188.

<sup>2</sup> K. 196.

<sup>3</sup> K. 239.

<sup>4</sup> K. 1074.

<sup>5</sup> K. 379, App.

<sup>6</sup> K. 1144.

<sup>7</sup> K. 1154.

<sup>8</sup> K. 1161.

<sup>9</sup> K. 450, App.

<sup>10</sup> K. 1231.

<sup>11</sup> K. 1235.

<sup>12</sup> K. 507.



- 978-82. Lease of 1 hide at Battenhall with the haw by the south side of St. Peter's Church at Worcester<sup>1</sup>.  
 „ 3 hides at Bradincote and the haw that he hath before the gate at Worcester<sup>2</sup>.  
 985. „ 1 hide at Clopton and the haw within the minster *on porte* that Wulfric mass priest bequeathed to Wulfward his relation<sup>3</sup>.  
 988. Grant of 4 hides at Colworth and a haw in Chichester<sup>4</sup>.  
 990. „ 15 „ Wootton and 9 haws in Tanner Street, Winchester<sup>5</sup>.  
 996. „ 4 „ Byrston and 4 hides at Wincelfield with nine haws in St. Albans<sup>6</sup>.  
 1001. „ 25 „ Itchington and a haw in Warwick<sup>7</sup>.  
 1008. „ 20 „ Mordun with a haw in Cricklade<sup>8</sup>.  
 1016. Lease of 1 hide at Bishopston and a haw in Warwick<sup>9</sup>.  
 1032. Devise of 2 hides at Linford and 1 haw in Oxford<sup>10</sup>.  
 1042. Lease of 6 „ Bentley and 1 haw in Worcester<sup>11</sup>.  
 1045. Grant of 7 „ Millbrook with a haw in Southampton<sup>12</sup>.  
 1044. „ lands at Stouting and Milton with a haw 'binnan porte' (? Canterbury)<sup>13</sup>.  
 1046-60. „ 3 hides at Teddington with the 'curtem' pertaining in Worcester<sup>14</sup>.  
 1042-66. „ 'that cotlif Stane mid tham lande Stæninghaga withinne Lundene' by Edward the Confessor to Westminster Abbey<sup>15</sup>.  
 1040-57. „ 5 hides at Wolverley and 2 hides at Blackwell and one haw in Worcester<sup>16</sup>.

Now we have seen that at the time of Domesday Book urban houses appurtenant to rural properties were charged with the repair of the walls in the towns where they were situate, and therefore we may argue that, in every one of the cases above quoted, the town houses were charged with the repair of the walls, probably in exoneration of the rural properties to which they were appurtenant. In other words, some lords commuted their *burhbot*, by building houses in the towns to which they owed *burhbot*; and by keeping burgesses in these houses to repair the walls when necessary. Hence we can see how the gifts of land in the City of London to the Archbishop of

<sup>1</sup> K. 559.<sup>2</sup> K. 683.<sup>3</sup> K. 649.<sup>4</sup> K. 663.<sup>5</sup> K. 673.<sup>6</sup> K. 696.<sup>7</sup> K. 705.<sup>8</sup> K. 1305.<sup>9</sup> K. 724.<sup>10</sup> K. 746.<sup>11</sup> K. 765.<sup>12</sup> K. 781.<sup>13</sup> K. 774.<sup>14</sup> K. 805.<sup>15</sup> K. 855.<sup>16</sup> K. 766.

Canterbury and the Bishop of Worcester would secure its restoration; these prelates would have to build houses on these plots, and send men from their rural properties to dwell therein and repair the wall when necessary<sup>1</sup>. But such commutation was not universal; the Cheshire custom shows that the older system existed side by side with the newer, and we have also seen that it was not every tenant *in capite* who at the time of Domesday Book had a house in the county borough. A comparison of any of my maps with a Domesday map of the county will show that it was not every village that had an appurtenant house in the neighbouring borough. Moreover, the laws of Ethelred II and Canute both regard the *burhbot* as being still a charge on the rural properties, and the latter monarch fixed the penalty in default at 120s.<sup>2</sup>; while according to the *Rectitudines Singularum Personarum* one of the differences between the thegn and the villain was that the former did three things for his land—'syrdfæreld, burhbot and brigbot'—while the latter was exempt from these burdens<sup>3</sup>.

Readers of the *Chronicle* will remember how Edward the Elder secured his conquests from the Danes by the erection of burhs at various places, among which Hertford, Tamworth, Stafford, Warwick, Buckingham, Maldon, Wigmore and Stamford are styled boroughs in Domesday Book; and a document of 904 records how Æthelred the ealdorman of the Mercians and Æthelflæd his wife, Edward's sister, built a burh at Worcester 'for the shelter of the folk<sup>4</sup>.' The traditional reason for the existence of boroughs is shown by a singular passage in a document of c. 1210 styled 'Articuli Willelmi I Lundoniis retractati,' as follows: 'And for this reason are castles and cities and boroughs both founded and built, forsooth for the protection of the nations and peoples and for the defence of the realm; and therefore they ought to be maintained with every liberty and integrity and reason<sup>5</sup>.' That the burgesses were military from the days of Alfred is shown by the repulse of the Danish raiders by the bur-

<sup>1</sup> *D. B.* and *B.* p. 189.

<sup>2</sup> *L.* 255, 353.

<sup>3</sup> *L.* 444.

<sup>4</sup> *K.* 1075.

<sup>5</sup> *L.* 491.

gesses (*burh-wara*) of Chichester after the siege of Exeter in 895, a century before the burgesses of London 'thrashed Swegen <sup>1</sup>.'

To the late mention of *burhbot* in connexion with the shires that owed work to London <sup>2</sup> may be added Professor Freeman's reference to the erection of a castle at Ely by the men of Bedfordshire, Cambridgeshire and Huntingdonshire <sup>3</sup>. Further evidence that boroughs in later days were often founded with a view to the establishment of fortresses is afforded by the charters granted by Henry II and John Lackland to the towns in their French dominions, and by those granted by Philip Augustus to the communes he founded in his border provinces <sup>4</sup>.

A precedent for the contributory system, which was possibly in the minds of both Alfred the Great and Henry the Fowler, is the record of the arrangements made by Nehemiah for garrisoning Jerusalem in the fifth century before the Christian era: 'The rest of the people also cast lots, to bring one of ten to dwell in Jerusalem the holy city, and nine parts in the other cities <sup>5</sup>.'

## 2. THE EARL, THE SHERIFF AND THE PORTREEVE.

Save for one deed, dated 904, by which Æthelred the alderman of the Mercians and Æthelflæd his wife granted to Bishop Wærfrith one half of their rights in the borough of Worcester <sup>6</sup>, we have no pre-Domesday evidence of that financial interest of the earl in the county borough of which Domesday Book is so full; nor have I found any evidence of any action of the sheriff in relation to the boroughs. But when we pass on to the portreeves, the pre-Domesday evidence is for once more valuable than that of Domesday Book. Many of the deeds printed in the *Codex Diplomaticus* and the *Cartularium Anglo-Saxonicum* mention the portreeves of various boroughs, most frequently as witnessing conveyances and manumissions: the

<sup>1</sup> This is Professor Maitland's expression, *D. B. and B.* p. 190.

<sup>2</sup> *D. B. and B.* p. 192.

<sup>3</sup> *Norman Conquest*, iv. 481.

<sup>4</sup> Luchaire, *Communes françaises*, pp. 177-90, 279-83.

<sup>5</sup> Nehemiah, xi. 1.

<sup>6</sup> *K.* 1075.



portreeves of Canterbury<sup>1</sup>, Oxford<sup>2</sup>, Buckingham<sup>3</sup> and Exeter<sup>4</sup> thus appear as witnesses, and again and again it is stated that the portreeve of Exeter 'took the toll for the king's hand<sup>5</sup>,' in the same way as Domesday Book represents the *praepositus* of Dover as collecting fines for the king. The legislation of Hlothaire and Eadric provides that the king's 'wic-gerefa' of Lundenwic should be a witness to all purchases of goods by a Kentish man in London<sup>6</sup>, and Edward the Elder extends this requisite to all sales in any borough<sup>7</sup>. The *Chronicle* relates the death of the 'wic-gerefa' of Winchester in the year 897, and a Scandinavian poem of c. 1015 tells how the 'portgreifar' of Canterbury could not keep that town against St. Olaf<sup>8</sup>. So that the portreeve would appear to be the chief executive officer in the borough both in financial and military matters. But the St. Petroc's Book incidentally shows his relative precedence as regards other officials. A manumission contained in that book shows that 'Ælsig the portreeve and Maccos the hundred's man took 4d. as toll for the king<sup>9</sup>.' Domesday Book shows the portreeve as a subordinate of the sheriff; this entry would appear to show that he did not exclude the hundred's man from the borough.

But to this generalization there is one startling exception—the portreeve of London appears to have held in that borough the same position as the sheriff held in his county. The Confessor addressed many writs to his burgesses in London, and in these writs the bishop and the portreeve are associated in the same way as the bishop and the earl and the sheriff of any county. Thus two consecutive writs in the *Codex Diplomaticus* begin as follows:

Edward King greets William Bishop and Leofstan and Ælsi portreeves and all my burh-thegns in London friendly<sup>10</sup>.

Edward King greets William Bishop and Leofwin Earl and Ælfget Sheriff friendly<sup>11</sup>.

<sup>1</sup> K. 789.

<sup>2</sup> K. 950.

<sup>3</sup> K. 1289.

<sup>4</sup> Earle, p. 258, &c.

<sup>5</sup> Ib. 259.

<sup>6</sup> L. 11.

<sup>7</sup> L. 139.

<sup>8</sup> I am indebted to Professor York Powell for this reference to *Corpus Poeticum Boreale*, ii. 126.

<sup>9</sup> E. 273.

<sup>10</sup> K. 857.

<sup>11</sup> K. 858.

A previous writ runs :

Edward King greets William Bishop and Harold Earl and Esgar Staller and all my thegns and my firm friends in Middlesex friendly<sup>1</sup>.

And Mr. Round has shown how in the reign of Henry I the portreeve of London became the sheriff<sup>2</sup>.

### 3. THE BURGESSES.

In analysing the Domesday evidence as to the condition of the burgesses, we have fancied that we have seen some traces of two ranks of society, one of which was less privileged than the other, because it was too poor to bear all the burghal burdens ; but the pre-Domesday documents give no evidence of any such classification. The *Chronicle* mentions the burgesses of certain towns—Chichester, Canterbury, Oxford, London and Winchester, among others—but both it and the Old-English deeds apply to them the term *burhwara* (borough dwellers), which can be paralleled by the use of the term *Cantwara* for the inhabitants of Kent, and by the mention of the *Weo-wara-get*, the street of the dwellers at Wye, at Canterbury. There are a few deeds stating that the *burhwara* of Canterbury were witnesses to certain transactions of which these deeds are the written evidence<sup>3</sup>, but here again there is no evidence of an inferior caste ; and the document known as the ‘*Articuli Willelmi I Lundoniis retractati*’ says : ‘If any serfs remain without claim for a year and a day within our cities, or our walled boroughs, or our castles, they shall become free men, and shall be free from the yoke of serfdom for ever<sup>4</sup>’ ; but as Professor Liebermann attributes this document to the year 1210, this is only traditional evidence, at best, for the period before the Conquest, especially as we have seen that in 1086 a burgess at Ipswich was a slave. Kemble prints four writs addressed by the Confessor to London ; one of these is addressed to the *burhwara*, but three are addressed to the *burhthegns*<sup>5</sup>, and so may indicate the existence of a superior class in that city.

<sup>1</sup> K. 855.

<sup>2</sup> Geoffrey de Manderitte, p. 353.

<sup>3</sup> K. 241, 293, 477.

<sup>4</sup> L. 491.

<sup>5</sup> K. 857, 861, 872.

The lawmen of Cambridge were of thegnly rank<sup>1</sup> as is shown by their heriot<sup>2</sup>; may not the *burh-thegns* of London have been the lawmen of that city—the possessors of sac and soc?

Mention has been made of the grants of houses in Canterbury with their appurtenant lands; in two instances the specific lands so granted are stated to be bounded by the burgesses' meadows: one document speaks of the 'urbanorum pratorum,' and the other of the 'burhwara mede'<sup>3</sup>; is it too much to see here the common pasture of the burgesses of Canterbury?

One Canterbury document of 860-6 is stated to have been witnessed by the in-burgesses (*ingan burhwara*), and by the knights-gild<sup>4</sup>; and another, of 958, was witnessed by the three fellowships of in-burgesses and out-burgesses (*geferscipas innan burhwara and utan burhwara*)<sup>5</sup>; but of the nature of these three fellowships we know nothing, unless perchance one of them survived as the chapman's gild of the time of Anselm. Dr. Gross points out that a later version of this deed explains the three fellowships as the three conventual bodies at Christ Church, St. Augustine's, and St. Gregory's<sup>6</sup>; but in view of the expressions *innan burhwara and utan burhwara* I would suggest that the latter gloss is untrustworthy, especially as St. Gregory's priory was not founded till 1084<sup>7</sup>.

But though we have no information about the nature of the three fellowships at Canterbury, there are in print the regulations of gilds at Exeter, Abbotsbury, Woodbury and Cambridge: the three former were principally of a religious nature, to secure the due celebration of masses for the good of the brethren, although at Exeter provision was made for mutual assistance in case the property of any of the brethren was destroyed by fire; the main object of the regulations of the thegn-gild at Cambridge appears to have been the securing of good order at the convivial meetings of the brethren<sup>8</sup>.

The 'Iudicia civitatis Lundoniae' have been sometimes

<sup>1</sup> *D. B.* and *B.* 211.

<sup>2</sup> Ante, p. 86.

<sup>3</sup> *K.* 259, 282.

<sup>4</sup> *K.* 293.

<sup>5</sup> *K.* 477

<sup>6</sup> Gross, *Gild Merchant*, i. 189; see *B.* 1011.

<sup>7</sup> *B.* iii. 214.

<sup>8</sup> Gross, *ib.* 181-3.



taken to be rules of the frith-gilds of London for securing the pursuit and arrest of thieves; but Dr. Gross points out that they are royal dooms enacted with the consent of the bishops and reeves, and not the rules of a voluntary organization, and further that they bind all the inhabitants and suburbs, and not merely a select few<sup>1</sup>. True there are a few provisions, especially those of a religious and convivial nature, which appear to show the influence of gild-laws, but these are subordinated to the main purpose—the regulations for the pursuit and arrest of thieves<sup>2</sup>.

<sup>1</sup> Gross, *Gild Merchant*, i. 178–81.

<sup>2</sup> Among the pre-Domesday documents is only one which purports to be a charter of privileges to any borough; and Kemble prints, although he starts as suspicious, an alleged charter of Athelstan to the burgesses of Malmesbury, as follows:

Æthelstanus rex Anglorum do pro me et meis successoribus burgensibus meis et eorum omnibus successoribus Meldufuensis Burgi quod habeant et teneant semper omnes functiones et liberas consuetudines suas sicut tenuerunt tempore Edwardi patris mei illibate et honorifice. Et praecipio omnibus subter imperio meo quod non faciant eis iniuriam et sint quieti absque calumpnia et scot. Et do et concedo eis illam brueriam regiam quinque hydarum terrae iuxta villunculam meam de Nortona propter auxilium eorum in conflictu meo contra Danos. Confecta est huius donationis cartula cum signo meo per testimonium Eadmundi fratris mei et per consilium magistri Wolsini [*sic*] cancellarii mei et Odonis thesaurarii mei et Godwyni.

Godwyni [*sic*] qui fert vexillum regis perquisivit hoc pro burgensibus<sup>a</sup>.

If this document be compared with the other charters of this monarch it will appear very suspicious: neither Master Wolsinus [?] the chancellor, nor Odo the treasurer, nor Godwyn appears as witness to any other charter of Athelstan's, although an Odo, minister, is witness to *B.* 699 of the year 933. And the legal phrases are those of the twelfth, and not of the tenth century: there are four expressions in this charter which I cannot find in any other of Athelstan's charters printed in the *Cartularium Saxonicum* (658–746)—‘functiones et liberas consuetudines,’ ‘absque calumpnia et scot,’ and ‘habeant et teneant’; when ‘habere’ appears, it is used alone; ‘tenere’ is never used: nor is there any other charter of Athelstan's which speaks of the ‘successores’ of the grantees. ‘Magister’ is also far too late in sense to be used here as in the tenth century. Two expressions are found in only one other charter<sup>b</sup>—‘do et concedo’ and ‘pro me et meis successoribus.’ And so we must conclude that this document is a pious fraud of later centuries.

<sup>a</sup> *B.* 720; *K.* 1128.

<sup>b</sup> *B.* 739.

## 4. THE MARKET.

If the idea of the borough as a stronghold is prominent in the Old-English charters, it is hard set in the laws by the idea of the borough as a market. From Edward the Elder to William the Conqueror we find king after king legislating against extra-urban commerce. 'Let no man bargain out of port,' says Edward the Elder, 'but let him have the witness of the portreeve or of some other truthful man who can be trusted<sup>1</sup>.' Athelstan repeats this, but allows an alternative in the testimony of the folkmoor, and adds, 'Let every market be within port' (the Latin version of his laws says 'within a city<sup>2</sup>'). Edgar specifies the manner in which sales are to be conducted: 'And there shall be witnesses to each borough, and each hundred; to each borough thirty-six shall be chosen to witness, and to small boroughs and each hundred twelve: and every man shall with their witness buy and sell all his goods that he buy or sell, either in borough or in wapentake<sup>3</sup>.' The Conqueror forbids 'that any live cattle shall be bought or sold except within cities, and that before three faithful witnesses<sup>4</sup>'; and in another series of laws he is made to say: 'There shall be no market or market-place except in cities of our realm and in boroughs closed and fortified by a wall and in castles and in very safe places, where the customs of our realm and our common law, and the dignities of our crown which were constituted by our good predecessors cannot be lost or defrauded or violated: but all things ought to be done rightfully, and in the open, and by judgement and justice<sup>5</sup>.'

So that the lawgiver had two objects in view when he prohibited sales outside boroughs: he wished to prevent traffic in stolen goods, and so insisted that all sales should take place in the presence of witnesses, but he also wished to secure the payment of his toll<sup>6</sup>.

Except for a document of Ethelred II which gives the specific tolls charged at Billingsgate, we have still less information about the pre-Domesday tolls than of those charged at the

<sup>1</sup> L. 139.<sup>2</sup> L. 157.<sup>3</sup> L. 210.<sup>4</sup> L. 487.<sup>5</sup> L. 491.<sup>6</sup> D. B. and B. p. 194.



time of Domesday Book. The only specific toll that I can find in any Old-English document is the toll of 4*d.* charged on the manumission of a serf at Bodmin<sup>1</sup>, which is the same sum as was stated by Domesday Book to be the toll at Lewes on the sale of a man<sup>2</sup>. The tolls authorized by Ethelred to be charged at Billingsgate are as follows :

If a small vessel (*navicula*) should come to Billingsgate, one half-penny is paid as toll : but if a larger vessel comes having sails, one penny.

If a keel or a hulk (*ceol vel hulcus*) should arrive and lie there (it pays) 4*d.* for toll.

From a ship full of logs (*lignorum*), one log as toll.

On three days in the week is toll charged on cloth, on Sunday, Tuesday and Thursday.

The dealer (*mango*) coming to the bridge with a boat (*bato*) in which is fish, pays one halfpenny for toll, and for a larger ship, one penny.

The men of Rouen coming with wine or *craspice* (porpoise) paid a due of six shillings from a large ship, and the twentieth portion (*frustum*) of the same *craspice* (porpoise).

The men of Flanders and Poitou and Normandy and France showed their goods and paid toll (*extolneabant*). The men of Huy and Luttich and Nivelles who passed through (*pertransibant*) gave *ostensionem* and toll.

And the Emperor's men, who came in their own ships, were held worthy of good laws in like manner as ourselves.

Besides discharged (*discarcatum*) wool and melted (*dissutum*) fat, they were at liberty to buy three live pigs into their own ships.

And they were not allowed to forestall (*forceapum facere*) the burghers, but must pay their toll, and at Christmas two grey skins and one brown skin and 10 pounds of pepper and gloves for five men, and two breakers (*caballinos tonellos*) full of vinegar, and the same at Easter.

From baskets (*dossera*) with poultry, one chicken as toll, and from a basket with eggs, five eggs as toll, if they came to the market.

*Smeremangestre* (butterwomen), who dealt in butter and cheese, paid one penny 14 days before Christmas, and another penny seven days before Christmas<sup>3</sup>.

These citations show that at the end of the tenth century the port of London was already frequented by foreigners, some of whom had obtained the right to more favoured treatment than others.

As early as the year 733 Ethelbald, King of the Mercians, granted to the Abbess of Minster the toll (*exactionem*) of one ship in the port of London<sup>4</sup>, and also 'the dues (*transvectionis*

<sup>1</sup> E. 273.

<sup>2</sup> p. 73.

<sup>3</sup> L. 233.

<sup>4</sup> B. 149.



*censum*) which are demanded by our tax-gatherers ' from one ship, wherever it might be in the realm<sup>1</sup>, and the next year he granted a similar privilege to the Bishop of Rochester in the port of London, only in this charter the dues are styled *vectigal*<sup>2</sup>. In 747 Eadbert, King of Kent, granted to the Abbot of Reculver the tax and tribute (*vectigal et tributum*) of one ship at Fordwich<sup>3</sup>, and in the following year King Ethelbald granted to Abbess Eadburga one half of 'the tax and tribute that is mine of the ship she had bought of Leubucus<sup>4</sup>. These gifts were confirmed by Offa<sup>5</sup> and Eadbert<sup>6</sup>, but either later kings were chary of such grants or the evidence has been lost, until in 962 Edgar granted to Abingdon Abbey (*inter alia*) 'the royal dues (*censum*) to the abbey aforesaid every year at Southampton, and the fishery and royal tax (*vectigal*) of one ship at Hwitan Clife, and of another at Portmonna-hythe,' which would appear to mean a grant of freedom from duty or toll of all goods imported by the Abbey at Southampton, and on the goods imported in one ship at each of the other places<sup>7</sup>.

Occasionally urban properties were freed from toll: in 889 King Alfred gave to the Bishop of Worcester a stone building in London at Hwaetmunde Stone, with a further grant that, while the toll of goods sold outside should go to the king, the bishop should have the toll of all goods sold within the courtyard<sup>8</sup>; and in 904 Edward the Elder gave the toll of Taunton to the Bishop of Winchester. One of the characteristics of a market was the possession of public weights and measures<sup>9</sup>: this privilege was purchased for 60s. by Bishop Alhun of Worcester from Burgred, King of the Mercians, in respect of a property called Cedmund's haw, not far from Westgate, in the streets of London, in the year 857<sup>10</sup>; and a similar privilege was granted by King Alfred in respect of the above-mentioned property at Hwaetmunde Stone<sup>11</sup>.

The grant by Edgar to Dunstan and the monks of Christ Church, Canterbury, of 'the port and vill of Sandwich ... with

<sup>1</sup> B. 150.<sup>2</sup> B. 152.<sup>3</sup> B. 173.<sup>4</sup> B. 177.<sup>5</sup> B. 188.<sup>6</sup> B. 189.<sup>7</sup> B. 1094.<sup>8</sup> K. 316.<sup>9</sup> D. B. and B. p. 196.<sup>10</sup> K. 280.<sup>11</sup> K. 316.

all the liberties and royal customs which I ever had there, or any of my predecessors, on either side of the water, whosoever the land might be,' is followed by a confirmation to them of 'all the mansions they had in the vill which were given them in alms of the faithful<sup>1</sup>'; and would appear to show that they received from the king not the soil of the whole vill, otherwise the confirmation of their houses would be unnecessary, but merely an overlordship, or a right to receive the income of the place. This charter, however, is starred by Kemble as being suspicious; but a charter of Canute (A.D. 1023) makes the same gift to the monks of the port of Sandwich 'and all proceeds (*exitus*) of the same water on each bank, whosoever the land might be, from Pipernesse to Mearcesfleote'; and specifies the distance to which this right was to extend as the furthest point to which a man standing in a ship in the river at high water could throw a 'taper axe<sup>2</sup>'; he also gave them the ferry-boat and the ferry of the port and the toll of all ships, and the shore to some distance below low-water mark, and one half of the wreck found within these limits; the other half was to go to the finders of the wreck<sup>3</sup>.

### 5. THE MINT.

On page 77 is a list of all the mints mentioned in Domesday Book; but before the Conquest there were mints in sixty-one of the 102 boroughs on our list, and it should be noticed that mints were established before the Conquest in all but two of our county boroughs. The following is a list of the pre-Conquest mints, the name of the king, in whose reign the mint was established, or whose coins are the earliest surviving from that mint, being given in brackets:

#### COUNTY BOROUGHES.

Bedford (Edwy).	Chester (Athelstan).
Buckingham (Edgar).	Colchester (Ethelred).
Cambridge (Edgar).	Derby (Athelstan).
Canterbury (before Alfred).	Dorchester (Canute).

<sup>1</sup> K. 519.

<sup>2</sup> This is a small hand-axe for throwing as well as hacking with.

<sup>3</sup> K. 737.

Dover (Athelstan).  
 Exeter (Alfred).  
 Gloucester (Alfred).  
 Hereford (Athelstan).  
 Hertford (Athelstan).  
 Huntingdon (Edwy).  
 Ipswich (Edgar).  
 Leicester (Edmund).  
 Lincoln (before Alfred).  
 Malmesbury (? Ethelred).  
 Norwich (Athelstan).  
 Nottingham (Athelstan).  
 Oxford (Alfred).

Rochester (Edgar).  
 Shaftesbury (Athelstan).  
 Shrewsbury (Athelstan).  
 Southampton (Edgar).  
 Stafford (Athelstan).  
 Stamford (Edgar).  
 Torksey (Ethelred).  
 Wallingford (Athelstan).  
 Wareham (Athelstan).  
 Warwick (Athelstan).  
 Winchcombe (Canute).  
 Worcester (Ethelred).  
 York (before Alfred).

## QUASI-COUNTY BOROUGHES.

Bath (Alfred).  
 Bristol (Canute).  
 Bruton (Canute).  
 Chichester (Edgar).  
 Cricklade (Ethelred).  
 Guildford (Canute).  
 Hastings (Ethelred).  
 Hythe (Canute).  
 Ilchester (Edgar).  
 Langport (Athelstan).  
 Lewes (Edgar).  
 London (before Alfred).

Maldon (Athelstan).  
 Reading (Ethelred).  
 Romney (Ethelred).  
 Sandwich (Ethelred).  
 Southwark (Ethelred).  
 Sudbury (Ethelred).  
 Tamworth (Athelstan).  
 Thetford (Edgar).  
 Totnes (Edgar).  
 Wilton (Edgar).  
 Winchester (Alfred).

The two county boroughs of Domesday Book, which are not included in this list are Bridport and Northampton; we have seen that there was a mint in the former borough after the Conquest, and the earliest coins of that mint that have been found date from the reigns of William I and II; the earliest Northampton coins are of the reign of Henry I<sup>1</sup>.

There were also pre-Conquest mints in the following places, which are not styled boroughs in Domesday Book:

Aylesbury (Ethelred).  
 Ashdown (Ethelred).  
 Bardney (Ethelred).  
 Berkeley (Edward the Confessor).  
 Bridgnorth (Ethelred).  
 Cadbury (Ethelred).  
 Corbridge (Ethelred).

Crewkerne (Canute).  
 Dartford (Athelstan).  
 Dereham (Edward the Confessor).  
 Greenwich (Ethelred).  
 Horndon (Edward the Confessor).  
 Idbury (Ethelred).  
 Lancaster (Harold I).

<sup>1</sup> Hawker's *Silver Coins of England*, pp. 170, 177.



Lymne (Edgar).  
 Newport (Edward the Confessor).  
 Offord (Ethelred).  
 Richborough (Canute).  
 Sarum (Canute).  
 Somerton (Edgar).

St. Edmundsbury (Alfred).  
 Tempsford (Edgar).  
 Warborough (Athelstan).  
 Watchet (Ethelred).  
 Winchelsey (Edgar).  
 Witham (Hardicanute).

So that either Athelstan's law <sup>1</sup>, that there should be no mint but within a borough, was ignored even by himself, or these places had lost their borough rights before the Conquest.

These lists prove, too, that a mint was a necessary factor in the making of a borough; the following places which are styled boroughs in Domesday Book were not the seats of pre-Domesday mints <sup>2</sup>.

QUASI-COUNTY BOROUGHES.—Arundel, Axbridge, Barnstaple, Calne, Droitwich, Dunwich, Fordwich, Grantham, Milbourne, Pevensey, Twineham, Wimbourne, Yarmouth.

SIMPLE BOROUGHES.—Ashwell, Beccles, Bedwyn, Berkhamstead, Bradford, Bridlington, Castle Clifford, Clare, Eye, Louth, Newark, Okehampton, Penwortham, Pershore, Pocklington, Quatford, Rhuddlan Rye, St. Albans, Stanstead, Tewkesbury, Pontefract, Totbury, Warminster, Wigmore.

Some of the boroughs mentioned in the latter class were founded after the Conquest; and the Conqueror licensed the establishment of mints at Pevensey and Rhuddlan.

## 6. THE BOROUGH COURT.

To-day one of the main practical differences between a borough and an urban district is that the former is necessarily a petty-sessional area, while the latter is not so—that is to say, the borough is a jurisdictional area for minor criminal offences; in earlier centuries the jurisdiction of the borough court was far more extensive, to the exclusion of the county justices. But we must not think that because for centuries the borough has been differentiated from the village by its

<sup>1</sup> *L.* 159.

<sup>2</sup> There were also a number of mints which have not yet been identified. This section is merely a summary of Prof. York Powell's article in *E.H.R.* xi. 759.

being a separate jurisdictional area, and by possessing a separate court of its own, that therefore this distinction has always existed. We have already seen that there is nothing in Domesday Book to lead us to suppose that the existence of a burg-mote excluded the jurisdiction of the hundred court, and the pre-Domesday evidence confirms our doubts.

The earliest legislation on the burg-mote is that of Edgar in the year 962, which lays down that the burg-mote was to be held thrice, and the shire-mote twice in every year<sup>1</sup>, while the hundred-mote was to be held as formerly constituted—that is, once in every four weeks. Now, when we bear in mind what has been said about the borough as a market-place, and therefore a place where disputes would naturally be frequent, it is obvious that the burgesses would be at a disadvantage compared with their rural neighbours, if the burg-mote, which was held only once in four months, excluded the hundred-mote, which was held every four weeks. Still more disadvantageous would have been their position if, as Professor Maitland appears to suggest<sup>2</sup>, the borough court was established to keep the peace between the warriors who garrisoned the town; martial law is notoriously short and sharp, and must therefore have been administered at a court that met more frequently than once in four months.

Edgar's law is repeated by Canute<sup>3</sup>, but Henry I assimilated the burg-mote to the shire-mote<sup>4</sup> by requiring that it should be held only twice a year. Another paragraph of Canute's law seems to prohibit boroughs from having peculiar customs of their own by providing that there should be 'between boroughs *an laga æt lādunge*,' or, according to the Latin version, '*una lex in purgationibus*'<sup>5</sup>. But Ethelred's treaty with Olaf Tryggvesson (A.D. 991) provides a summary method of dealing with breaches of the peace: 'If within a borough there be a breach of the king's peace, the burgesses shall go and arrest the wrongdoer, alive or dead . . . : if they decline, the alderman shall go; if he declines, the king; if he declines, that part shall be outside the king's peace'<sup>6</sup>. Probably the

<sup>1</sup> L. 203.<sup>2</sup> D. B. and B. 192.<sup>3</sup> L. 321.<sup>4</sup> L. 553.<sup>5</sup> L. 337.<sup>6</sup> L. 222.

wrongdoer, when arrested, would remain in custody till he had paid the appointed fine.

Domesday Book tells us much about the persons who had sac and soc in the boroughs: we see the origin of one of these immunities in the grant by the Confessor that the Abbot of Chertsey should have sac and soc in his hagan-land in London—that is, in his haws in that city<sup>1</sup>.

## 7. THE BOROUGH AS A SOURCE OF INCOME.

Seeing that Domesday Book was primarily a geld-book, it was but to be expected that it would be full of information about the income which the king might expect to derive from all sources in a borough; but the pre-Domesday evidence on this point is very scanty. The market and its tolls have already been referred to, but in all the charters and laws there is no mention of any payment to be made by the minters; there are, however, a few charters which give information about dues in kind being derived from the boroughs, and of services being rendered by the burgesses.

In 814 Coenwulf, King of the Mercians, granted to Bishop Deneberht of Worcester of 'the victuals (*pastum*) of those twelve men which rightfully pertains to the said City<sup>2</sup>': this is evidently a food-rent similar to those paid to the Welsh princes, and is a species of *firma unius noctis*, but was apparently commuted before Domesday Book. In 904 Edward the Elder gave to the Bishop of Winchester a charter of privileges relating to Taunton, for which the bishop gave him sixty hides of land<sup>3</sup>: *inter alia* the bishop was to receive the toll (*mercimonium*, Anglice, thæs tunes cyping) and all the civil dues (*census civilis*), which latter were specified as 'the victual for one night (*pastum unius noctis*) for the king, and the victuals for eight hounds and the king's kennelman (*canicularius*), and victuals for nine nights for the king's hawkers, and carriage as the king might require to Cury or Willeton with wagons and horses'; and 'if strangers came from other regions, they were entitled to have conduct to the nearest royal vill on their way'; but

<sup>1</sup> K. 856.

<sup>2</sup> K. 203.

<sup>3</sup> K. 1084.



these customs were due not merely from the borough but from the whole vill of Taunton, as we have previously seen. A third document is that already quoted<sup>1</sup>, by which Æthelred and Æthelflæd, Alderman and Lady of the Mercians, gave to God and St. Peter, at the request of Bishop Werfrith of Worcester, one-half of the rights that belonged to their lordship, either in the market or in the street or within the borough or without—namely, in *land-feoh*, *fihl-wita*, theft, *woh-ceapung*, borough-wall-scutting, and of every one of those *wers* which were incident to any *bot*, as it was settled for the market-place and the streets—except that the wain-shilling and the load-penny should go into the hands of the king as they always did at Saltwich: so that, in addition to the rent, the bishop was entitled to receive half of the earl's share of the forfeitures for fighting, for theft, for selling contrary to the regulations of the market, and for neglect on the part of rural landowners to repair the borough walls. Domesday Book, however, tells us that the bishop had the third penny of Worcester<sup>2</sup>: hence it would appear that, unless some intermediate grant has been lost, the earl was, at the beginning of the tenth century, entitled to two-thirds of the revenue of Worcester.

It would appear that the income arising from the boroughs accrued to the king as regalia, and not as incidents of tenure, in the same way as, we have seen, the geld differed from the gablum. Coenwulf's grant to the Bishop of Worcester was stated to be made with the consent of his *optimates*<sup>3</sup>, and the charter of Edward the Elder to the Bishop of Winchester in which he conferred certain privileges as regards Taunton, was also made with the consent of his counsellors<sup>4</sup>: but the above-mentioned gift by the Alderman and Lady of the Mercians was only witnessed by the wise men of Mercia. Similarly, Eadbert's grants of tolls were made with the consent of his *optimates*<sup>5</sup>, and the consent of the *senators* was expressed in Alfred's charter granting tolls and weights at Hwætumunde Stone<sup>6</sup>: apparently no grant of the regalia was valid without the consent of the *witan*. But on the other hand, no such

<sup>1</sup> K. 1075.<sup>2</sup> Ante, p. 42.<sup>3</sup> K. 203.<sup>4</sup> K. 1075.<sup>5</sup> B. 173, 179. See p. 117.<sup>6</sup> K. 316.

consent was given to the earlier grants of tolls by King Ethelbald<sup>1</sup>, but this may be explained if these gifts were to enure only for the life of the king. The formal consent of the *witan* was not expressed in the body of Ethelbald's grant of tolls to the Abbess Eadburga<sup>2</sup>, but is possibly implied by the attestation by the archbishop, two bishops, and others, including the toll-collector, and Offa's gift is similarly attested<sup>3</sup>.

In like manner, the consent of the bishops and *principes* was given to many of the earlier royal grants of property in Canterbury and Rochester<sup>4</sup>, and others were attested and consented to by the archbishop and other grandees whose names are given<sup>5</sup>; possibly this consent may indicate that the deserted Roman cities were originally regarded as part of the *folc-land*, and that therefore no portion thereof could be alienated without the consent of the *witan*.

<sup>1</sup> B. 149, 150, 152.

<sup>2</sup> B. 189.

<sup>3</sup> B. 188.

<sup>4</sup> K. 1, 2, 113, 196, 217. See pp. 105-6.

<sup>5</sup> K. 3, 144, 188, 241, 276.

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